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STATE OF NEW HAMPSHIRE.

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CONVENTION

TO

REVISE THE CONSTITUTION

DECEMBER, 1902.

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CONCORD, N. H.:

The Rumford Press.

1903.

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**JOURNAL**  
**OF THE**  
**CONSTITUTIONAL CONVENTION**  
**OF 1902.**

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**CONCORD, N. H., December 2, 1902.**

The delegates of the Constitutional Convention assembled in the hall of the House of Representatives on Tuesday, December 2, 1902, at 11 o'clock a. m., and were called to order by the Hon. Isaac N. Blodgett of Franklin.

On motion of James F. Briggs of Manchester, Henry O. Kent of Lancaster was chosen temporary chairman.

Messrs. Sanborn of Franklin and Briggs of Manchester were chosen a committee to escort the temporary presiding officer to the chair.

On assuming the chair, Mr. Kent addressed the Convention as follows:

There can no higher duty come to citizens of a state than to be charged by its people with examination and revision of its organic law—that instrument that has unified government and the elements of prosperity; that has voiced the stern integrity, reverence of Deity, and crowding energy that from feeble beginnings have developed a prosperous commonwealth.

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On motion of Mr. Jewett of Laconia, the petition was laid on the table.

On motion of Mr. Sanborn of Wakefield, the Convention adjourned.

### AFTERNOON.

The Convention met at 2 o'clock, according to adjournment.

The chair called upon the Rev. David H. Evans of New Hampton to open the Convention with prayer.

Mr. Jewett of Laconia, for the Committee on Credentials, reported that *prima facie* evidence had been presented to them of the election of the following named persons as delegates to this Convention:

### ROCKINGHAM COUNTY.

Atkinson, Elmer E. Conley.

Auburn, Henry C. Sanborn.

Brentwood, Ephraim G. Flanders.

Candia, George E. Eaton.

Chester, Charles H. Knowles.

Danville, Eugene F. Kimball.

Deerfield, John M. Kelsey.

Derry, Walter R. Sanders, Charles F. Gillispie, Charles W. Abbott.

East Kingston, Frank R. Morrill.

Exeter, Edwin G. Eastman, William H. C. Follansby, Arthur O. Fuller, Albert S. Wetherell.

Epping, John Leddy.

Fremont, Lincoln F. Hooke.

Greenland, John S. H. Frink.

Hampstead, John C. Sanborn.

Hampton, John W. Towle.

Hampton Falls, Benjamin F. Weare.

Kensington, Weare N. Shaw.

Kingston, Amos C. Chase.

Londonderry, Rosecrans W. Pillsbury.

Newcastle, no choice.

Newfields, Christopher A. Pollard.

Newington, Frederic W. de Rochemont.

Newmarket, Harrison G. Burley, John Walker.

Newton, Daniel F. Battles.

North Hampton, David H. Evans.

Northwood, Charles F. Cate.

Nottingham, James H. Kelsey.

Plaistow, Daniel M. Peaslee.

Portsmouth:

Ward 1, Samuel W. Emery, Guy E. Corey.

Ward 2, Simon P. Emery, Alfred F. Howard, True L. Norris.

Ward 3, Clarence H. Paul, Samuel F. Ham.

Ward 4, Edward H. Adams.

Ward 5, William A. A. Cullen.

Raymond, James M. Healey.

Rye, Horace Sawyer.

Salem, Wallace W. Cole, Benjamin R. Wheeler.

Sandown, Horace T. Grover.

Seabrook, John W. Locke.

South Hampton, Benjamin R. Jewell.

Stratham, Joseph C. A. Wingate.

Windham, George H. Clark.

STRAFFORD COUNTY.

Barrington, Alphonzo B. Locke.

Dover:

Ward 1, George I. Leighton, Charles E. Morrison.

Ward 2, Charles T. Moulton, William H. Roberts, Burnham Hanson.

Ward 3, John H. Nealley, Dwight Hall.

Ward 4, Charles H. Morang, Channing Folsom, John H. Nute.

Ward 5, Patrick W. Murphy.

Durham, Daniel Chesley.

Farmington, Henry C. Nutter, Edward T. Willson.

Lee, John W. Webb.

Madbury, Fred E. Gerrish.

Middleton, James D. Moore.

Milton, Bard B. Plummer.

New Durham, Horatio G. Chamberlin.

Rochester:

Ward 1, Andrew R. Nute.

Ward 2, George P. Furbush.

Ward 3, Stephen C. Meader.

Ward 4, George H. Springfield, Gaspard A. Gelinas.

Ward 5, George E. Cochrane.

Ward 6, William T. Gunnison.

Rollinsford, George W. Nutter.

Somersworth:

Ward 1, James A. Edgerly.

Ward 2, Joseph Libby.

Ward 3, James A. Locke.

Ward 4, Michael J. Leary, Clement Roy.

Ward 5, Oliver Morin.

Strafford, Frank H. Hall.

#### BELKNAP COUNTY.

Alton, George H. Demeritt.

Barnstead, Horace N. Colbath.

Belmont, Fred E. Bryar.

Center Harbor, Allan C. Clark.

Gilford, James R. Morrill.

Gilmanton, Thomas Cogswell.

Laconia:

Ward 1, Charles L. Pulsifer, Edwin D. Ward.

Ward 2, Stephen S. Jewett, Horace W. Gorrell.

Ward 3, John T. Busiel.

Ward 4, Edwin P. Thompson, Edwin C. Lewis.

Meredith, George F. Smith.

New Hampton, Kenrick W. Smith.

**Sanbornton, James E. Knox.**

**Tilton, Charles C. Rogers, William B. Fellows.**

**CARROLL COUNTY.**

**Albany, Archie Nickerson.**

**Bartlett, Henry M. Rideout.**

**Brookfield, Dudley C. Colman.**

**Chatham, William Spencer.**

**Conway, Sewell M. Hobson, James L. Gibson, Joel E. Morrill.**

**Eaton, Luther E. Dearborn.**

**Effingham, Horace W. Harmon.**

**Freedom, Arthur P. Merrow.**

**Hart's Location, Merville B. Murch.**

**Jackson, Jonathan Meserve.**

**Madison, Samuel J. Gilman.**

**Moultonborough, Andrew J. Goodwin.**

**Ossipee, Levi W. Brown.**

**Sandwich, Henry F. Dorr.**

**Tamworth, Horace A. Page.**

**Tuftonborough, John D. Morrison.**

**Wakefield, John W. Sanborn.**

**Wolfeborough, Stephen W. Clow, Fred E. Hersey.**

**MERRIMACK COUNTY.**

**Allenstown, Frank E. Blodgett.**

**Andover, George W. Stone.**

**Boscawen, Willis G. Buxton.**

**Bow, Henry M. Baker.**

**Bradford, John E. French.**

**Canterbury, James Frame.**

**Chichester, Jeremy L. Sanborn.**

**Concord:**

**Ward 1, David F. Dudley, Charles E. Foote.**

**Ward 2, Fales P. Virgin.**

**Ward 3, Abijah Hollis.**

**Ward 4, Frank S. Streeter, James O. Lyford, John M. Mitchell.**



Ward 5, Edward C. Niles, William A. Foster.

Ward 6, Benjamin A. Kimball, Reuben E. Walker, De-  
Witt C. Howe.

Ward 7, Moses T. Whittier, Maitland C. Lamprey, Hor-  
ace L. Ingalls.

Ward 8, William E. Chandler.

Ward 9, Michael Casey, John Jordan.

Danbury, John V. Ford.

Dunbarton, Horace Caldwell.

Epsom, John H. Dolbeer.

Franklin:

Ward 1, Isaac N. Blodgett.

Ward 2, Edward B. S. Sanborn, George R. Stone.

Ward 3, Edward G. Leach, Omar A. Towne.

Henniker, Charles A. Wilkins.

Hill, Royal L. Wilson.

Hooksett, Eugene S. Head.

Hopkinton, George M. Putnam.

Loudon, Jeremiah A. Clough.

Newbury, George J. Messer.

New London, Jacob H. Todd.

Northfield, Otis C. Wyatt.

Pembroke, Jacob E. Chickering, Edmund E. Truesdell,  
George E. Miller.

Pittsfield, Frank P. Greene, Edward K. Webster.

Salisbury, Edward N. Sawyer.

Sutton, no choice—voted not to send.

Warner, Arthur Thompson.

Webster, Frank A. Lang.

Wilmot, no choice.

#### HILLSBOROUGH COUNTY.

Amherst, Eugene C. Hubbard.

Antrim, Franklin G. Warner.

Bedford, Gordon Woodbury.

Bennington, Charles H. Kimball.

Brookline, Orville D. Fessenden.

Deering, William F. Whitaker.

Francestown, George E. Downes.

Goffstown, George W. Colby, David A. Paige.

Greenfield, George S. Peavey.

Greenville, Stephen H. Bacon.

Hancock, George H. Fogg.

Hillsborough, John B. Smith, Samuel W. Holman.

Hollis, Marcellus J. Powers.

Hudson, George W. Clyde.

Litchfield, Jonathan A. Marsh.

Lyndeborough, Walter S. Tarbell.

Manchester:

Ward 1, Elliot C. Lambert, Rufus Wilkinson, Jacob J. Abbott.

Ward 2, James F. Briggs, David Cross, Nathan P. Hunt, Oliver B. Green, James E. Dodge.

Ward 3, Henry W. Boutwell, Cyrus H. Little, Clarence E. Rose, Edwin F. Jones, Edwin R. Robinson, Joseph O. Tremblay.

Ward 4, Harry T. Lord, George C. Gilmore, Henry A. Farrington, Warren Harvey, Bushrod W. Hill, Albert J. Precourt.

Ward 5, Joseph M. McDonough, Michael Tonery, William J. Starr, Timothy E. Horan, William F. Glancy, Michael R. Sullivan, Dennis F. Griffin, Henry Jennings.

Ward 6, Fred T. Irwin, George I. McAllister, Joseph Quirin, Eugene E. Hildreth.

Ward 7, Henry W. Allen.

Ward 8, Frank O. Clement, John C. Littlefield, John K. McQuesten, William McElroy, Edward J. Powers.

Ward 9, Herman Greager, Joseph Richer, Frank T. Provost, Joseph G. Plante, Eugene Quirin, Moise Guerin, Joseph A. Boivin.

Ward 10, James M. Hall, Albert Nettle, Joseph F. Trinity, Nelson W. Paige.

Mason, Hermon Whitaker.

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Merrimack, Francis A. Gordon.

Milford, Carl E. Knight, William B. Rotch, George A. Worcester.

Mont Vernon, Charles H. Raymond.

Nashua:

Ward 1, Charles J. Hamblett, John R. Spring.

Ward 2, Joseph L. Clough, Walter C. Harriman.

Ward 3, Edward H. Everett, John J. Flood, Henri T. Ledoux.

Ward 4, Edward E. Parker.

Ward 5, Stephen L. Hallinan.

Ward 6, Edward H. Wason.

Ward 7, Arthur K. Woodbury, Clayton B. Proctor, Fred-  
eric D. Runnells.

Ward 8, William J. McKay, Albert Shedd, William J.  
Flather.

Ward 9, Thomas Earley, Jr., Joseph T. Slattery, Leon  
Desmarais, Michael McGlynn.

New Boston, Lendell Dodge.

New Ipswich, Edwin F. Blanchard.

Pelham, Charles L. Seavey.

Peterborough, Mortier L. Morrison, Charles Scott.

Sharon, Milton A. Richardson.

Temple, Herbert O. Hadley.

Weare, George Simons.

Wilton, George E. Bales.

Windsor, Joseph C. Chapman.

### CHESHIRE COUNTY.

Alstead, Charles H. Cooke.

Chesterfield, George F. Amidon.

Dublin, Henry D. Learned.

Fitzwilliam, Amos J. Blake.

Gilsum, John S. Collins.

Harrisville, Frank C. Farwell.

Hinsdale, Fred A. Buckley, Willis D. Stearns.

Jaffrey, Joel H. Poole, Albert Annett.

**Keene:**

Ward 1, James S. Taft, Adolph W. Pressler.

Ward 2, Charles Wright, 2d, Liberty W. Foscett.

Ward 3, William C. Hall, Hiram F. Newell.

Ward 4, Clement J. Woodward.

Ward 5, Joseph Madden.

Marlborough, Clinton Collins.

Marlow, Rockwell F. Craig.

Nelson, George W. Osgood.

Richmond, Lewis R. Cass.

Rindge, Warren W. Emory.

Roxbury, Charles W. Buckminster.

Stoddard, Cummings B. McClure.

Sullivan, Daniel W. Rugg.

Surry, Stephen H. Clement.

Swanzy, Auburn J. Day.

Troy, Melvin T. Stone.

Walpole, Frank A. Spaulding, William H. Kiniry.

Westmoreland, Edwin J. Goodnow.

Winchester, Carlos C. Davis, George W. Pierce.

**SULLIVAN COUNTY.**

Acworth, Abraham M. Mitchell.

Charlestown, Lyman Brooks.

Claremont, Edward J. Tenney, George T. Stockwell, Osmon B. Way, George P. Rossiter, Ira G. Colby.

Cornish, George E. Fairbanks.

Croydon, Daniel Ide.

Goshen, Frank L. Hanson.

Grantham, Moses P. Burpee.

Langdon, Herbert A. Holmes.

Lempster, Loren A. Noyes.

Newport, Arthur C. Bradley, Jesse M. Barton, Seth M. Richards.

Plainfield, Robert R. Penniman.

Springfield, Joseph L. Brown.

Sunapee, George H. Bartlett.

Unity, Charles A. Newton.

Washington, Willie D. Brockway.

GRAFTON COUNTY.

Alexandria, Alpheus S. Bucklin.  
 Ashland, Henry C. Dearborn.  
 Bath, Henry C. Carbee.  
 Benton, Lebina H. Parker.  
 Bethlehem, Henry A. Hildreth.  
 Bridgewater, Henry H. Morrill.  
 Bristol, Ira A. Chase.  
 Campton, Charles W. Pulsifer.  
 Canaan, Warren B. Richardson.  
 Dorchester, Herbert H. Ashley.  
 Easton, Charles A. Young.  
 Ellsworth, Bert H. Avery.  
 Enfield, Henry Cumings, John Dresser.  
 Franconia, Wilbur F. Parker.  
 Grafton, Joseph E. Walker.  
 Groton, Daniel Kidder.  
 Hanover, Simon Ward, James F. Colby.  
 Haverhill, Tyler Westgate, Scott Sloane, Edwin B. Pike.  
 Hebron, Edward M. Jewell.  
 Holderness, Robert L. Flanders.  
 Landaff, Van B. Glazier.  
 Lebanon, Charles A. Dole, Charles B. Drake, Jesse E.  
 Dewey, Clarence E. Hibbard.  
 Lincoln, James E. Henry.  
 Lisbon, Augustus A. Woolson, George F. Morris.  
 Littleton, Edgar Aldrich, Henry F. Green, Harry M.  
 Morse.  
 Lyman, Willard A. Stoddard.  
 Lyme, George Melvin.  
 Monroe, Alexander Warden.  
 Orange, John H. French.  
 Orford, George W. Lamprey.  
 Piermont, Edward Ford.  
 Plymouth, Frank W. Russell, Alvin F. Wentworth.  
 Rumney, Charles C. Craig.  
 Thornton, Marshall A. Bowles.

Warren, William R. Park, Jr.  
Waterville, George H. Green.  
Wentworth, Calvin T. Shute.  
Woodstock, Elmer E. Woodbury.

COOS COUNTY.

Berlin:

Ward 1, Joseph H. Wight, John D. Moffett, William H. Paine.

Ward 2, Louis M. Laplante, George F. Rich, Daniel J. Daley.

Ward 3, James A. Boudreau, Charles A. Murray.

Carroll, Charles S. Miles.

Clarksville, Willis E. Young.

Colebrook, Jason H. Dudley, Thomas F. Johnson.

Columbia, Charles C. Titus.

Dalton, Frank Britton.

Dummer, Adam W. Wight.

Errol, Remember B. Thurston.

Gorham, Alfred R. Evans.

Jefferson, George W. Crawford.

Lancaster, Irving W. Drew, Henry O. Kent, William H. Hartley.

Milan, Leonard K. Phipps.

Northumberland, Napoleon B. Perkins, George W. McKellips.

Pittsburg, Harvey Augustus Blanchard.

Randolph, Laban M. Watson.

Shelburne, Charles E. Philbrook.

Stark, William T. Pike.

Stewartstown, Leon D. Ripley.

Stratford, Havilah B. Hinman.

Whitefield, David M. Aldrich, William F. Dodge.

The report was accepted and adopted.

The chair appointed as tellers to distribute and collect ballots the following named gentlemen:

Messrs. Pillsbury of Londonderry, Pressler of Keene, Little of Manchester, Leighton of Dover, and Fairbanks of Cornish.

On motion of Mr. Lamprey of Concord, proceeded to ballot for president of the Convention.

The chair appointed as tellers to sort and count the ballots, Messrs. Bales of Wilton, Jones of Manchester, and Sloane of Haverhill.

The ballot for president resulted as follows:

Whole number of ballots cast.....	398
Necessary to a choice.....	200
Edgar Aldrich.....	31
David Cross.....	127
Frank S. Streeter.....	240

and Frank S. Streeter, having received a majority of all the ballots cast, was declared elected President of the Convention.

Messrs. Aldrich of Littleton and Cross of Manchester were appointed to conduct the president-elect to the chair.

On assuming the chair Mr. Streeter addressed the Convention as follows:

Gentlemen of the Convention:

For such an expression of confidence and approbation by this representative body of my fellow-citizens, I am sincerely grateful.

You have come here to discuss and determine what changes in the Constitution seem desirable or necessary, and you will submit your conclusions to the people for final action.

The ripe experience and eminent public service of many of you, and the high character and ability of all are a sufficient guaranty that your work will be well and promptly done, without prejudice or partisanship.



It is the duty of the chair faithfully to administer the will of the Convention and, to that end, he asks the kindly support and coöperation of every member.

On motion of Mr. Chase of Bristol, proceeded to ballot for secretary of the Convention.

The President appointed as tellers the same gentlemen who served before.

The ballot for secretary resulted as follows:

Whole number of ballots cast.....	382
Necessary to a choice.....	192
George W. Fowler.....	58
James R. Jackson.....	93
Thomas H. Madigan, Jr.....	231

and Thomas H. Madigan, Jr., having received a majority of all the ballots cast, was declared elected secretary of the Convention.

Mr. Madigan appeared and qualified before Judge Aldrich.

On motion of Mr. Everett of Nashua, the following resolution was adopted:

*Resolved*, That a committee of twenty, to consist of two from each county, be appointed by the chair to select and report to the Convention the names of persons to fill the offices of assistant secretary, sergeant-at-arms, chaplain, three doorkeepers, and a warden of the cloak-room.

The President appointed the following gentlemen as such committee:

Messrs. Pillsbury of Londonderry, Norris of Portsmouth, Moulton of Dover, Locke of Barrington, Demeritt of Alton, Lewis of Laconia, Brown of Ossipee, Merrow of Freedom, Leach of Franklin, Clough of Loudon, Hamblett of Nashua,

Starr of Manchester, Pressler of Keene, Collins of Marlborough, Tenney of Claremont, Brockway of Washington, Greene of Littleton, Wentworth of Plymouth, Johnson of Colebrook, Aldrich of Whitefield.

Mr. Blake of Fitzwilliam offered the following resolution, which, on motion of Mr. Baker of Bow, was laid on the table:

*Resolved*, That the rules of the Constitutional Convention of 1889 be adopted as the rules of this Convention, until otherwise ordered.

On motion of Mr. Baker of Bow, the following resolution was adopted:

*Resolved*, That a committee of ten, one from each county, be appointed by the chair to report rules for the government of the Convention, and recommend methods of procedure, and until the report of this committee shall have been returned the rules of 1889 shall stand.

The President appointed the following gentlemen as such committee:

Messrs. Baker of Bow, Eastman of Exeter, Cochrane of Rochester, Jewett of Laconia, Morrill of Conway, Little of Manchester, Madden of Keene, Colby of Claremont, Woolson of Lisbon, Dudley of Colebrook.

On motion of Mr. Hamblett of Nashua,—

*Resolved*, That the President be authorized to appoint three pages, tellers for each division, chaplain, and warden of the cloak-room.

On motion of Mr. Howard of Portsmouth, the following resolution was adopted, by a division vote of 170 in the affirmative to 89 in the negative:

*Resolved*, That the secretary be directed to procure daily

four hundred and twenty-five copies of *The Concord Evening Monitor*, and of *The Manchester Union*, for the use of the officers and members of the Convention.

On motion of Mr. Jewett of Laconia, the petition of Felix G. Harbor and others was taken from the table and referred to a special committee of ten, one from each county, to be appointed by the President.

The President appointed the following gentlemen as such committee:

Messrs. Fuller of Exeter, Roberts of Dover, Fellows of Tilton, Merrow of Freedom, Foster of Concord, McAllister of Manchester, Collins of Gilsum, Barton of Newport, Wentworth of Plymouth, Rich of Berlin.

On motion of Mr. Bales of Wilton the following resolution was adopted:

WHEREAS, Philip Riley of ward ten, in the city of Manchester, represents that he is legally entitled to a seat as delegate in this Convention from said ward and contests the right of Nelson W. Paige to a seat as delegate in this Convention. Be it moved that a committee of five be appointed by the chair to inspect the ballots cast for the said Paige and the said Riley and report their finding to this body.

The President appointed the following gentlemen as such committee:

Messrs. Parker of Nashua, Bales of Wilton, Taft of Keene, Glancey of Manchester, Spring of Nashua.

On motion of Mr. Ward of Laconia, the following resolution was adopted:

*Resolved*, That the drawing of seats be made a special order for Wednesday, December 3, 1902, at 11 o'clock, and that the method followed in the house of representatives be adopted.

Mr. Everett of Nashua offered a resolution entitled "A resolution to take God out of the Constitution," and moved that it be made a special order December 3, at 11 o'clock in the forenoon.

Said resolution being as follows:

In view of the surprising forethought and the thoroughly demonstrated good judgment of the framers of the Constitution of the United States, in omitting any reference to a personal God and believing that the people of New Hampshire have reached an age of intelligence when it is safe to discard superstition and that the proper place to start should be and is with our State Constitution; be it resolved, that the following proposition be submitted to the people:

"Shall all reference or inference to God, Deity, or Protestant Christians be stricken from the Constitution."

On motion of Mr. Pressler of Keene, the resolution was laid on the table.

Mr. Pillsbury of Londonderry, for Committee on Permanent Organization, reported, recommending the following named gentlemen for the several offices, and the report was accepted and adopted:

Assistant secretary, L. Ashton Thorpe of Manchester; sergeant-at-arms, John K. Law of New London; chaplain, Rev. Burton W. Lockhart of Manchester; doorkeepers, Charles W. Torr of Dover, George W. Allen of Stewartstown, W. W. Lovejoy of Littleton; warden of cloak-room, George H. Brigham.

The committee also recommended that Harry B. Jackson of Littleton be elected page to the President, to serve during the Convention.

On motion of Mr. Lord of Manchester, this recommenda-

tion was referred to a committee of one, consisting of the President.

On motion of Mr. Gilmore of Manchester, the following resolution was adopted:

*Resolved*, That the secretary have printed an alphabetical roll of members, for the use of the Convention.

On motion of Mr. Corey of Portsmouth,—

*Resolved*, That when the Convention adjourns, it adjourn to meet to-morrow at 10 o'clock.

On motion of Mr. Little of Manchester,—

*Resolved*, That Fremont E. Shurtleff of Concord be appointed official stenographer of the Convention.

On motion of Mr. Stockwell of Claremont, the following resolution was adopted:

*Resolved*, That until otherwise ordered, the hours of meeting of the Convention be 10:30 o'clock in the forenoon and 2 o'clock in the afternoon.

On motion of Mr. Jewett of Laconia,—

*Resolved*, That the President be added to the Committee on Rules.

On motion of Mr. Wason of Nashua, the Convention adjourned.

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WEDNESDAY, DECEMBER 3, 1902.

The Convention met according to adjournment.

(The President in the chair.)

Prayer was offered by Rev. David H. Evans of New Hampton.

On motion of Mr. Stockwell of Claremont, the rules were so far suspended that the reading of the journal was dispensed with.

On motion of the same gentleman, the following resolution was adopted:

*Resolved*, That the President shall appoint one assistant warden for the cloak-room.

Under the general resolution adopted Tuesday, December 2, the chair announced the appointment of the following named gentlemen as pages:

Walter H. Harriman of Nashua, Harry J. Pelren of Concord, and George C. Stone of Dover.

Under a special resolution adopted later, the chair appointed as page to the President, Harry Bingham Jackson of Littleton.

Mr. Baker of Bow, for the Committee on Rules and Method of Procedure, submitted the following report:

1. The President shall take the chair at precisely the hour to which the Convention shall have adjourned, shall immediately call the members to order, and at the commencement of each day's session shall cause the journal of the preceding day to be read. He shall preserve decorum and order, and may speak on points of order in preference to other members, and may substitute any member to perform the duties of the chair, such substitution not to extend beyond an adjournment.

2. A majority of all the members of the Convention shall constitute a quorum.

3. All committees shall be appointed by the President, unless otherwise directed by the Convention; and the first named member of any committee appointed by the President shall be chairman.

4. No person but the members and officers of the Convention shall be admitted within the chamber unless by invitation of the President or order of the Convention.

5. No member shall speak more than twice to the same question without leave of the Convention.

6. When any question is under debate, no motion shall be received but, 1st, to adjourn; 2d, to lay on the table; 3d, to postpone to a day certain; 4th, to commit; 5th, to amend—which several motions shall take precedence in the order in which they are arranged. Motions to adjourn and lay on the table shall be decided without debate.

7. Any member may call for a division of the question, when the sense will admit of it; but a motion to strike out and insert shall not be divided.

8. A motion for commitment, until it is decided, shall precede all amendments to the main question; and all motions and reports may be committed at the pleasure of the Convention.

9. No vote shall be reconsidered unless the motion for reconsideration be made by a member who voted with the majority.

10. Every question shall be decided by yeas and nays, whenever a demand for the same shall be made and sustained by at least ten members.

11. The Convention may resolve itself into a Committee of the Whole at any time on the motion of a member; and, in forming a Committee of the Whole, the President shall leave the chair and appoint a chairman to preside in committee; and the rules of proceeding in Convention shall be observed in Committee of the Whole, except the rule limiting the times of speaking and the rule relating to calls for the yeas and nays.

12. After the journal has been read and corrected, the or-



der of business shall be as follows: First, the presentation of resolutions and petitions; second, the reports of committees; third, any special order for the hour; fourth, the unfinished business of the preceding day.

13. All motions and resolutions proposing any amendment to the Constitution shall be offered in writing, and be read by the secretary for the information of the Convention, when, unless rejected or otherwise disposed of, shall be referred to an appropriate committee, who shall examine and report thereon to the Convention, with such recommendations as they may deem advisable. No proposition for an amendment shall be received after Tuesday of the second week; unless by unanimous consent of the Convention or upon the recommendation of the committee.

14. There shall be appointed by the President five committees, consisting of twenty members each, and each county shall be represented thereon. Said committees shall be on the following subjects, *viz.*:

- (1) On Bill of Rights and executive department.
- (2) On legislative department.
- (3) On judicial department.
- (4) On future mode of amending the Constitution, and other proposed amendments.
- (5) On time and mode of submitting to the people the amendments agreed to by the Convention.

It was moved by the gentleman from Bow, Mr. Baker, that the report be accepted and the rules adopted as the rules of the Convention.

The President—Gentlemen, you have heard the report of the chairman of the Committee on Rules. It is moved that these rules as read be adopted as the rules of our Convention.

Mr. Chandler of Concord—I should be glad if the chair-

man of the committee would explain to us in what respects these rules differ from the rules of the Convention of 1889.

Mr. Baker of Bow—There are very few changes in these rules.

No. 2, a rule in regard to a quorum, is inserted. It probably was not absolutely necessary to insert that rule, as under general parliamentary law a majority of all the members would constitute a quorum, but it was thought by your committee advisable to have it incorporated in the rules.

The other resolutions are exactly as found in the rules of 1889, until we come to the order of business. In 1889 it read: "After the journal has been read and corrected, the order of business shall be as follows: First, the presentation of resolutions and petitions; second, the reports of committees; third, the unfinished business of the preceding day." Your committee recognized that there might be a conflict of authority at this point, the Convention having made some special order of the day and hour of the day, so the committee has inserted as the third order, "Any special order for the hour as unfinished business." That is the only change there. There is no change in the order in which the resolutions are to be presented, namely, they must be in writing, and unless they are rejected or otherwise disposed of they shall go immediately to the appropriate committee.

The practice in 1876 was that they should be considered immediately by the Convention in a Committee of the Whole. The resolution as reported does not prevent that method of considering the questions. If the Convention so elects, under these rules, any amendment may be considered immediately in the Committee of the Whole. So it does not seem to your committee that there is any objection on account of the difference upon this point between the rules of 1889 and the rules here reported, because the whole matter rests in the hands of the Convention itself.

There is one other change. That is, in connection with the appointment of committees. Under the old system the

committees consisted of twenty members each, there being two from each county, and it was the custom that there should be one Republican and one Democrat from each county. We are laboring under some disadvantage in that connection in this Convention. There is one county in which there are only two Democrats; one in which there are only three; and one in which there are only five; and so there would not be Democrats enough to go around among these different committees.

Consequently, your committee thought it well to leave the matter in the discretion of the President, where the Democrats may rest assured that they will be fairly treated.

Mr. Chandler of Concord—I only wished the chairman of the committee to make it plainly understood that when a proposition is made for an amendment of the Constitution, the Convention, if it chooses to do, may consider the proposition in the Committee of the Whole, as was done in the Conventions of 1876 and 1889, without referring it to a committee of the Convention. If, after it is so considered, the Convention wishes it sent to a committee they can do so. They can, however, if they choose, adopt the amendment or express an opinion on it in the first instance and send it to the committee afterwards. That is as I understand to have been the practice under the rules of 1876 and the practice of 1889, under a rule substantially like the one here.

Mr. Baker of Bow—Mr. President and Gentlemen of the Convention, I think if I have not succeeded in making that point plain to you, the gentleman from Concord has. The one point is, that if the Convention does not reject any proposed amendment or it is not otherwise disposed of, then it will go to the appropriate committee when appointed, but the whole matter is under the control of the Convention.

Mr. Chandler of Concord—When a proposition is introduced it is competent then for the person introducing the amendment to move to have it referred to a committee, under

this rule, or the house can take it up and consider it in a Committee of the Whole.

Mr. Lyford of Concord—If the gentleman will pardon me, let me inquire if an amendment is offered here by a member, will it then be in order, under the rules, for him to proceed to discuss it and have the Convention consider it unless a motion is made to refer it to a committee?

Mr. Baker of Bow—It would be referred to a committee in the absence of any different motion; but if any gentleman wishes it to be considered by the Convention in a Committee of the Whole, it can be done upon his motion.

Mr. Chandler of Concord—As I understand it, when a proposition is introduced a motion is made to refer it to a committee.

Mr. Baker of Bow—No; under the rule it goes as a matter of course to the committee, unless it is rejected or otherwise disposed of. A motion to have it considered by the Convention at once must be an affirmative one.

Mr. Chandler of Concord—In accordance with the practice heretofore and under these proposed rules, a reference would be made to the appropriate committee, unless the gentleman who introduces a resolution or amendment moves, when he presents it, that the Convention consider it in a Committee of the Whole at some fixed time. If he does not make that motion, then as a matter of course the President will refer that to the appropriate committee.

Mr. Baker of Bow—That is correct.

Mr. Chandler of Concord—I see no objection to that. If there is no motion made asking to have an amendment referred to the Committee of the Whole, and fixing the time when it should be considered by such committee, of course it

ought to go to one of the standing committees of the Convention.

Mr. Baker of Bow—Your committee has reported exactly what was the rule and practice of the Convention in 1889.

The question being stated, shall the rules reported from the committee be adopted, the same were unanimously adopted as the rules of the Convention.

On motion of Mr. Fuller of Exeter, the Committee on Contested Seats in the ward nine delegation, Manchester, was allowed to sit during the drawing of seats and the secretary was authorized to draw seats for its members.

F. E. Shurtleff of Concord was qualified as official stenographer for the Convention.

The chair read a communication from The People and Patriot company, asking permission of the Convention to distribute without charge, copies of *The Daily Patriot* among the delegates each evening.

On motion of Mr. Madden of Keene, the request was granted.

A resolution was adopted that the secretary be authorized to draw a seat for the Hon. J. S. H. Frink of Portsmouth, unavoidably prevented by illness from being present.

On motion of Mr. Kent of Lancaster, it was ordered that during the drawing of seats the secretary be instructed to draw seats for each absent member as his name was called, including the members of the Committee on the Recount in ward ten, Manchester.

Mr. Shaw of Kensington offered the following resolution:

*Resolved*, That Judge Cross and Judge Aldrich be per-

mitted to choose their seats before the Convention proceeds to draw for seats.

Amendments were offered on motion of various delegates and accepted by Mr. Shaw so as to include the names of the following gentlemen:

Messrs. Blodgett of Franklin, Sanborn of Wakefield, Kent of Lancaster, Cogswell of Gilmanton, Briggs of Manchester, Lewis of Laconia, Kimball of Concord, and Chandler of Concord.

Mr. Chandler of Concord asked that his name be withdrawn, but Mr. Parks of Warren, who made the motion, refused to withdraw Mr. Chandler's name.

The question upon the adoption of the resolution as amended being stated, the resolution was rejected.

Mr. Ward of Laconia called for the special order of the day, which was the drawing of seats.

The Convention having attended to the special order, on motion of Mr. Edgerly of Somersworth, the Convention adjourned.

#### AFTERNOON.

The Convention met according to adjournment.

(The President in the chair.)

By virtue of a resolution passed at the morning session, the chair appointed George W. Johnson of Concord as assistant warden of the cloak-room.

Mr. Blake of Fitzwilliam introduced the following resolution:

*Resolved*, That 600 copies of the rules adopted by the Convention be printed for the use of members.

Which resolution was then stated and passed.

Mr. Holman of Hillsborough introduced the following resolution:

*Resolved*, That the Constitution be amended by adding at the end of article five of part second, the following: “ And further, full power and authority are hereby given and granted to the said general court to impose and levy assessments, rates and taxes upon the estates of deceased persons, or upon bequests, devises or inheritances, which said rates and taxes may be graded or proportioned in such way or manner as said general court may direct, but said rates and taxes shall never exceed ten per cent. of said estates, bequests, devises or inheritances.”

On motion of the same gentleman, the resolution was laid upon the table to be printed, pending the appointment of committees.

Mr. Lamprey of Concord offered the following resolution:

*Resolved*, That article ninety-eight, part two, of the Constitution, be so amended that all future amendments to the Constitution shall be submitted to the people by the general court.

On motion of Mr. Lyford of Concord, the resolution was laid upon the table to be printed, pending the appointment of committees.

Mr. Baker of Bow offered the following amendment to the Constitution:

In all elections of state, county, municipal and town officers by the people of this state, the person having the highest number of votes shall be deemed and declared to be elected. All provisions of the Constitution inconsistent herewith are hereby annulled.

On motion of the same gentleman, the resolution was laid upon the table to be printed and to be referred to the appropriate committee when announced.

The same gentleman offered the following amendment to the Constitution:

The legislature shall have full power and authority to establish more than one place of public meeting within the limits of each town or ward in the state for the casting of votes, and the election of officers under the Constitution; to prescribe the manner of warning, holding, and conducting such meetings and for that purpose may divide any town or ward into voting precincts.

Any provision of the Constitution of this state inconsistent herewith is amended to conform hereto.

Upon motion of the same gentleman, the amendment was laid upon the table to be printed and to be referred to the proper committee when appointed.

Mr. Woodbury of Woodstock offered the following proposed amendment to part second, sections nine and ten of the Constitution:

*Resolved*, To strike out part of clause beginning in the fifth line of said section nine and reading as follows: "And wards of cities having six hundred inhabitants by the last general census of the state, taken by authority of the United States, or of this state, may elect one representative; if eighteen hundred such inhabitants, may elect two representatives; and so proceeding in that proportion, making twelve hundred such inhabitants the mean increasing number for an additional representative," and insert the following: "And wards of cities having one hundred and sixty-five legal voters at the preceding biennial election, may elect one representative; if six hundred and ninety such voters, may elect two representatives; and so proceeding in that proportion, making five



hundred and twenty-five such voters the mean increasing number for an additional representative.”

In the fourteenth and fifteenth lines strike out the word “census” and insert “biennial election.”

In article ten, in the second and fifth lines, strike out the words “six” and “inhabitants” and insert the words “one hundred and sixty-five” and “voters.”

So that said sections will read as follows:

ART. 9. There shall be, in the legislature of this state, a representation of the people, biennially elected, and founded upon principles of equality, and, in order that such representation may be as equal as circumstances will admit, every town or place entitled to town privileges, and wards of cities having one hundred and sixty-five legal voters at the preceding biennial election, may elect one representative; if six hundred and ninety such voters, may elect two representatives; and so proceeding in that proportion, making five hundred and twenty-five such voters the mean increasing number for an additional; provided, that no town shall be divided or the boundaries of the wards of any city so altered as to increase the number of representatives to which such town or city may be entitled by the next preceding biennial election; and provided, further, that, to those towns and cities which since the last biennial election have been divided or had their boundaries or ward lines changed, the general court in session next before these amendments shall take effect shall equitably apportion representation in such manner that the number shall not be greater than it would have been had no such division or alteration been made.

ART. 10. Whenever any town, place, or city ward shall have less than one hundred and sixty-five such voters, the general court shall authorize such town, place, or ward to elect and send to the general court a representative such proportionate part of the time as the number of its voters shall bear to one hundred and sixty-five; but the general court shall not authorize any such town, place, or ward to elect and send such representative, except as herein provided.

The same gentleman moved that the resolution be laid upon the table to be printed and referred to the appropriate committee when appointed.

Mr. Chandler of Concord moved that the above resolution be referred to Committee of the Whole and made a special order for Thursday, December 4, at 11 o'clock in the forenoon, and Mr. Woodbury, withdrawing his motion to lay upon the table, the motion of Mr. Chandler was stated and prevailed.

The following communication was presented by Mr. Thompson of Warner:

CONCORD, N. H., December 3, 1902.

To the Constitutional Convention of New Hampshire:—

We, the undersigned, general officers of the Woman's Suffrage association of New Hampshire, respectfully request your honorable body to confer the privilege of suffrage upon women by striking from article twenty-seven of the existing Constitution the word "male," and by such other amendment thereof declaratory of this purpose as may be necessary.

We further request that the Convention, at the close of its session Tuesday afternoon, December 9, grant us a hearing in Representatives' hall at the state house; provided, that this request does not interfere with the work of the Convention. If it does conflict with the afternoon session, then we request that a hearing be given us on the evening of Tuesday, December 9, in the same hall.

MARY N. CHASE, President,  
MARY E. QUIMBY, Secretary,  
ANGELO HALL,  
Treasurer, N. H. W. S. A.

On motion of Mr. Thompson, a hearing was granted to the Woman's Suffrage association of New Hampshire, to be held in Representatives' hall on Tuesday, December 9, at 4 o'clock in the afternoon.

Mr. Lyford of Concord offered the following amendment to the Constitution:

*Resolved*, That the Constitution be so amended that the house of representatives shall consist of 300 members, which shall be apportioned by the legislature, at the first session after a United States census, to the several counties of the state, equally, as nearly as may be, according to their population as ascertained at the next preceding United States census. The county commissioners in each county,—or in lieu of the county commissioners in each county, such board of special commissioners in each county, to be elected by the people of the county, as may for that purpose be provided by law,—shall on the first Tuesday of June next after each assignment of representatives to each county, assemble at a shire town of their respective counties and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representatives assigned to each county, equally, as nearly as may be, according to the relative population in the several districts of each county, and such districts shall be so formed that no town or ward shall be divided therefor. Districts may be formed for one or more representatives as the contiguity of territory or the physical and social relations of the towns or wards may warrant. The legislature at the next session after such division of the counties into representative districts may, upon appeal by a town or ward, examine the classification of that town or ward and change the district lines of that county, in accordance with the provisions of this article, if it shall appear that injustice has been done.

The same gentleman moved that this amendment be considered at the time of the special order for Thursday morning, December 4.

Mr. Lyford of Concord—I desire to make one explanation: If you will read this resolution, it will correct in the minds of a number of the delegates of the Convention an impression

that has gone abroad. There appeared in *The Manchester Union* recently a classification of the towns into districts, and following that was the map showing this classification. As I understand, that classification and the purpose for which it was prepared was educational, and to show that districts could be formed of nearly equal population. That was prepared by a representative of *The Manchester Union* and has no connection with the resolution I have offered to-day, or with the opinions I have expressed in the press on this subject. The impression has gone abroad that that classification in *The Manchester Union* represented in detail the plan favored by me in districting the state. That is not the case. The detail of the district plan I propose to leave to be worked out by the county commissioners, or by a special commission authorized by the legislature in lieu of that.

On motion of Mr. Chandler of Concord, the two last amendments were ordered to be considered a part of the special order for Thursday, December 4, and also any others on the same subject that might thereafter be introduced.

On motion of Mr. Kent of Lancaster, Mr. Kidder of Groton was given leave of absence from Wednesday to Monday forenoon next, on account of sickness in his family.

Mr. Chandler of Concord introduced the following proposed amendment to the Constitution:

ARTICLE 82, at the end thereof add:

(Individual enterprise and competition in trade should be protected against monopolies which tend to hinder or destroy them.) It shall be the duty of the legislature to limit the size and functions of all corporations, to prohibit fictitious capitalization therein, and to so provide for their supervision and government that they will be the servants and not the masters of the people.

On motion of the same gentleman, the foregoing amend-

ment and all others relating to trusts, which should be presented, were made a special order for Tuesday, December 10, at 11 o'clock in the forenoon.

Mr. Holman of Hillsborough introduced the following proposed amendment to the Constitution, to be made a part of the special order for 11 o'clock, December 4.

*Resolved*, That the Constitution be so amended as to provide for the election biennially of one representative, and one representative only from each and every town and city in the state.

Mr. Baker of Bow offered the following proposed amendment to article six, Bill of Rights:

Strike out article six of the Bill of Rights and insert in lieu thereof as follows:

ART. 6. As morality and piety will give the best and greatest security to government, and will lay in the hearts of men the strongest obligations to right conduct, and as the knowledge of these is most likely to be propagated through the public worship of Deity and public instruction in morality and religion, therefore, to promote these important purposes the people of this state have a right to empower and do hereby fully empower the legislature to authorize from time to time the people in their individual capacity to form bodies corporate, or religious societies within this state, with power to provide at their own expense for the support and maintenance of teachers of piety, religion, and morality. They may elect their own teachers and contract with them for their support and maintenance, but no person of any one sect or denomination shall ever be compelled to pay toward the support of the religious teachers of another persuasion, sect, or denomination, except in pursuance of his own voluntary contract.

No public money or property shall be appropriated for or applied to the uses of any religious society, sect, or denomina-

tion, or the support of any religious establishment, nor shall any preference be given by law to any religious organization or mode of worship, or any religious test be required as a qualification for any office or trust, or any one be rendered incompetent to be a witness or juror on account of his opinions on matters of religious belief, but every denomination, sect, or belief, not inconsistent with the peace and safety of the state, shall be equally under the protection of the law.

Mr. Baker of Bow—I will delay the matter that I propose to bring before the Convention if anyone has any amendment which he wishes to offer.

I bring forward this matter at this time that the Convention may proceed to consider it, if it wish, and that the time of the Convention may not be lost.

I have here a proposed amendment to article six of the Bill of Rights, or a substitute for article six, and I hope you gentlemen will examine article six of the Bill of Rights and compare it with the reading of this. I ask the secretary to read the proposed amendment. (Secretary reads.)

Mr. Baker of Bow—Gentlemen, I do not need, probably, to say anything in support of this resolution. If it does not, upon its reading, commend itself to you, I should not hope to enforce it by argument. I take it, if anyone is in doubt about the propriety of the changes suggested it will be thoroughly discussed.

The principal object of this amendment is to get rid of two words which exist in article six—the word “evangelical” as applied to religion, and the word “Protestant,”—and in that form, I think, the article breathes the broadest catholicity towards all denominations. I cannot see how there can be any objection to it, but if there is, it ought to be made known now, and I wish to ask—although I have no sympathy with the views which he represents—that we give to our brother delegate from Nashua our kindly consideration of his views in this connection, that he may now be heard, and being so heard at the present time, we shall not be compelled to consider the

matter subsequently when we have greater and more important business on hand.

On motion of Mr. Baker, the Convention resolved itself into a Committee of the Whole to consider the Bill of Rights, and especially to take into consideration the amendment proposed by the gentleman from Bow, Mr. Baker, on article six of the Bill of Rights.

(In Committee of the Whole.)

(Mr. Cross of Manchester in the chair.)

Mr. Lyford of Concord—Would it not be well to have the clerk read the Bill of Rights, section by section, and if there is no amendment to these sections as read, then we will consider them as passed. I suggest that to the gentleman from Bow.

The Chairman—Unless there is objection we will take that course. The clerk will proceed. (The clerk read articles one, two, three, four, five, when Mr. Everett of Nashua addressed the convention.)

Mr. Everett of Nashua—In asking this Convention to submit to the people the question of discarding all reference to a personal God, we do so as one who disbelieves in any and all personal Gods, in the sense that there ever was or is any personal God that has or can create anything, or that has anything to do with regulating the affairs of people or things on this earth or anywhere else, and in order to make this address of any effect, or even interesting to listen to, it is necessary for us to agree upon the meaning of four words.

All of us have attended lectures which have been spoiled by the lecturer using words and expressions we could not follow. Many a magazine and newspaper discussion has been made worthless by the disputants insisting on different meanings to the same words, and to-day we desire in particular to

use only language understandable by any one with an ordinary knowledge of the English language. In using quotations, we shall use only standard authorities; books written by men of ability and honesty of purpose, who had only one object in view,—the truth. We will not waste your time in quoting sidelights, although many of them are undoubtedly able, but the life of most of us is too short to devote it to visionary theories. What Atheists want is facts, and having found a fact, they admit it, and if a mistake or falsehood has stood for centuries and the error found out, they expose it,—while churches use every power, social, political, and religious, to maintain errors, even after their position is the laughing-stock of all the world. Several notable instances of this will be given farther along.

The four words whose meaning we wish to have clearly understood are God, Theism, Atheism, and Christianity. We shall speak in a general way, only, of the thousand and one Gods of Europe, Asia, and Africa, the most of them having had their day and are known only in history.

The God which interests us, and by all odds the greatest imposition of them all, because outwardly believed in by the most intelligent people on this earth, is the Bible God, or, discarding the Jewish element, the Christian God. A perfectly fair definition of this God is: The Creator of all things; a Being without a beginning or an end; all knowing, all powerful, and one that directly looks after everybody and everything at all times. By Theism is meant a belief in a God like the above,—the creator and ruler of all things. All Christians are Theists, although at the present time there are many Theists who are not Christians. The Jews, in particular, reject Christ, but believe in a personal God. By Atheism is meant a disbelief in any of the personal Gods that fanatical or designing men have imposed on the world. The great bulk of these Gods have existed for a more or less length of time; had more or less followers; became discredited and finally disappeared. But men out of a job will manufacture new ones as fast as they can create a demand. No



Atheist ever claims to know the unknowable, but accepts a fact wherever or by whomever demonstrated. Every Atheist is ready to accept a *bona fide* God at any time, whether he starts in business in Central Africa or in Concord, N. H. But we certainly expect that when a God claims to have created the universe, he will know this earth of ours is round and not flat; that he will know that the sun does not move around the earth daily.

Atheists claim to be able to prove that the knowledge and attributes of all Gods, past and present, have been exactly in proportion to the intelligence of the people who invent them. Our present God has been remodeled so many times that one must keep close watch of church conventions to know just what to expect of God from day to day. All Gods have been endowed with certain attributes, and the first and most important point for common people to understand is that these attributes can only be worked successfully, if at all, by priests or ministers. With the older Gods, after a few centuries, their country was either conquered by some other nation and the people forced to give up their old Gods, or, quite often, there appeared Gods with more attractive promises, and after a desperate struggle by the clergy, who have never hesitated to use every dishonest and dishonorable means, each particular God or Gods have been laid away with other myths. None of the men or combinations of men have been able to look far enough into the future to build up a God that could stand criticism. Many generations before science made the Bible God as ridiculous as others before him, there were men of courage and independence who saw and pointed out glaring errors of the Bible until many concluded that God and Robinson Crusoe were cast adrift on the same island, and that when God inspired the Bible he had never been outside the island.

By Christianity is meant the religion which takes its name from a man who lived about 1900 years ago, and about whom very little is known. He was born in what is now Asiatic Turkey, near the coast of the extreme eastern end of the

Mediterranean sea, not very far from Africa, his parents being Jews of the poorer class. He was called Jesus, which means a carpenter, and afterwards took or was given the title of Christ, "The Anointed One," commonly understood to mean the only begotten son of the Bible God. He collected more or less followers to whom he preached, and as proof of his Godship, performed miracles. That is, he performed, it is claimed, feats such as no one has been able to do before or since in a natural way. Christians believe this Christ was executed by the authorities; buried in a sepulchre, and after three days was restored to life, remained on earth forty days, then ascended to His Father to a place called Heaven. The one and only object of his visit to earth was on account of the sinfulness of the earth's inhabitants; that a belief in him meant and means an eternity in a place called Heaven, and that he permitted himself to suffer physical death as the only possible way to pacify his Father, and the only condition by which God would forgive the wicked. After returning to Heaven, Christ is supposed to have devoted his time to arranging the many mansions for the faithful as they died and showed up in Heaven, properly certified to by the Christian fathers. Had this address been prepared ten years ago, our definition of Christianity would have included the Christian belief in hell, or punishment after death for unbelievers, and while these threats are in just the same place in the New Testament as they always were, and the supposed personal saying of Christ in Matthew 25:41 still reads, "Then shall he say also unto them on the left hand, Depart from me, ye cursed, into everlasting fire prepared for the devil and his angels. And these shall go away into everlasting punishment." But within ten years, the Protestant churches say hell does not mean hell, but a place for the dead, and have tried to change the word hell to hades; but, as a matter of fact, hades is a Greek word and means exactly the same as the Saxon word hell, and no matter what churches may do, that rugged old Saxon word, hell, is a fixture in the English language. Hades may do for milk-and-water men, but the old

expressive word is essential to positive, aggressive people, and at times no one can fully express himself without its use. There are places in the New Testament where translators use the word "Gehenna," and Gehenna in the Bible and in all other Hebrew writings is never used except as a place of punishment. But, excluding the Catholic belief, at this time, we shall not insist on hell as being a part of Christianity, it being understood that our definition of Christianity is for the day and hour. The Protestant church has made so many somersaults in the past few years that we may awake any morning to find that it has given up God and Christ, *in fact* everything except the bed-rock of all religions,—the contribution box.

Having defined the four words so important to our argument, our first position is to deal with all personal Gods in the abstract. The Bible God will be considered here only as one of the countless other Gods, past and present. It deals with Theism proper; that there is a personal creator and ruler of the universe. This subject has been largely ignored by the church. There are very few books on the subject. Occasionally prominent churchmen have discussed this, but always briefly. The Archbishop of Canterbury, Tillotson, uses the word "fool," and says any man is a fool who believes that the universe, with all its regularity and order, could have got into place or for a moment remain in place without a personal God. At the Congress of Religions at Chicago, the Very Rev. Augustine F. Hewitt, C. S. P., of New York, discussed the "Rational Demonstration of the Being of God." It is a profound article and worth reading, and we think covers about all that can be said by those who believe in a God. The marginal notes lead one to hope that he is going to say something tangible, but one reads the text in vain. It is full of assertions that are as applicable to the God Jo-Jo of Central Africa as to the Bible God, with no evidence for either. He says: "In case of a train of cars in motion, if we ask what moves the last car, the answer may be the car before it, and so on, until we reach the other end; but we have as yet only motion received and transmitted and no sufficient

reason for the movement of the first car by an adequate cause; and how did this vast mass of matter, the universe, and the mighty forces acting upon it, come to be started on their course. It is necessary to go back to a first cause, a first mover, a being self-existing, whose essence is pure act and the source of all actuality." This is his argument, and in the very next paragraph he says: "The only alternative is to fall back on the doctrine of chance, an absurdity long since exploded and abandoned, a renunciation of all reason." The last passage is more thoughtful and much fairer than it seems at first glance. He says that at some time in the past there was a doctrine of chance, but that "long since that was abandoned." He does not lay it to the present or nearby generations, but to long ago. As a matter of fact, we are unable to find a writer of good or poor standing who ever advocated chance as the origin of things. Confucius and Buddha, the philosophers of Asia, would not say what they thought was the first cause, and of all things, they did say it was not chance.

There is another argument that puzzles the Theist proper,—those that do not belong to any church but still believe in a personal God. They say that science has demonstrated beyond a reasonable doubt that this earth of ours was once a molten mass; a ball of fire, and of course, no life, as we know it, could exist on it; but they say life is here, and to get here must have had a creator. It will be noted that Archbishop Tillotson, Father Hewitt, and the Theists proper present the same argument,—the impossibility of things without a creator. It can be fairly said that people who reason as above do not possess logical minds. They try to cross the bridge before they reach it. At the first suggestion of mystery or anything unexplainable, they satisfy their minds with saying, this can be explained only as being the work of some personal God,—the easy refuge of the non-intellectual. They ignore the real question. They look at the covers of the book, and seem to care nothing for what is inside.

Now, gentlemen, if this universe is an impossibility, and

can be kept running only by a creator and ruler, ask yourselves the only real question: Who, or what, created this creator? Who made this God? What made this God? How much more vast, more grand, more intellectual this God must be than anything He created. The universe no human mind can grasp, nor even a small part of its vastness. Its numberless systems of suns; its countless stars,—some growing, some dying, some dead. If it is any satisfaction to Theists to assert that anybody and everybody believes in chance when they ask the only real question, Who made God? let them make the most of it. But, if it temporarily deceives some people, it does not conceal the real question of who made this God. Churches have never met this all-important issue. They have delivered a lot of twaddle,—and twaddle is the right word,—about God being infinite and we being finite, and that the finite cannot comprehend the infinite. But in all religious services, we are told just what God has done in the past, is doing now, and how He will deal with us in future; but when you have satisfied yourself where and how this God was made, then it may not be necessary to ask an Atheist how life began on this earth. If Atheism does not know, it says so, and never guesses.

Which belief do you think will stand through coming ages? The belief that says to one's family or neighbors, we have studied this question and we find unexplainable things surrounding us on all sides. We are willing to spend time and means to solve these mysteries, but so long as they are unexplainable we say what we ought to say,—we do not know. Again we ask, which will last, this belief or the belief that says of every mystery, this is easily explained; it is the work of a personal God?

Before starting on our direct argument for Atheism, we are not going to ignore the last hope and refuge of a decaying religion. We refer to what is known as the spiritual side of human nature; not the question of immortality, but the actions and impulses that govern our every-day life. It is now and always has been an important part of the stock in trade

of all the clergy to claim that all impulses and acts that, in their opinion, were good, and especially those that were favorable to their particular church, were directly inspired by a God. No believer was allowed to doubt this, and no prayer is ever made that omits to return thanks for it, because the minister says it is so. The truth is that this so-called "God-given spiritual side" always has been the sentimental side of mankind and animals, the subjective side, working more slowly in Asia than with the sentimental school girl. This sentiment is magnified in men by surroundings, disposition, teachings and by, not the least important, what they eat. It is recognized by all who have studied the subject that human beings, and at least the more intelligent animals, have an objective and subjective mind or brain. By objective brain, we mean that part of the intellect that demands actual or reasonable proof of what we are told or read. For instance, if we read that the New Hampshire state house is in Concord, we have only to come to Concord to demonstrate the fact, and our objective mind is satisfied by actual proof that what we had heard and read was true. Again, if inconvenient to come to Concord, we could find many neighbors who had seen the state house; many books; many histories, where writers had personally been in our state house, and, although never having seen it, we would be very unreasonable to consider it anything but an objective truth. On the other hand, should we meet some one on the street who should say he had just come from the state house, and that he had helped examine a dungeon under the state house, and one hundred skeletons had been taken out, our objective mind would rebel and demand more than the statement of one man. One case illustrates the point as well as the other. The idea is that the objective mind or brain demands outward, logical, and reasonable proof, and will not believe anything until it has such proof. Now, the subjective mind or brain is governed by impulses, by impressions. It never asks for a reason, and in most cases does not want a reason. The impression they receive agrees with their condition of mind, and they revolt at any proof that will

change the conditions, whether they be good or bad. We attend a theater. The play is good; the acting good. We follow it with great interest as though it were real, and go to see the same play, perhaps, twice, perhaps a dozen times. We do not stop for a moment to think that the whole play is largely the imagination of some fertile brain, and we do not know or care what the private life of the actors may be. We only know that we enjoy it, and our subjective mind drifts with the play. We attend some comic opera time and again, and enjoy it every time. Somebody says, "That opera is senseless," but we do not care what somebody says. The music suits us. We do not go to please our neighbors, but our own subjective brain. All of the sentiments expressing love, fear, and hope affect the subjective brain. Mesmerism and hypnotism depend on the subjective mind. The stronger minded a person is the easier he controls the subjective brain of a weaker-willed person, after once gaining his or her confidence. A timid person having trouble with one of whom he is afraid allows his subjective mind to imagine a thousand things, none of which ever occur. We meet very often men who have the most sanguine hopes of success in some undertaking, but we know from the men, themselves, and their surroundings, that they are bound to fail; but they, yielding to their subjective brain, use no reason whatever; and it is here that all religions accomplish their most successful work. When a man or woman is under the influence of good digestion, or good music, or of people they like and wish to please, or of stronger minded people who have gained their confidence, their subjective mind is given up to impressions which they accept as facts. And when the fanatical or designing minister tells them that these impressions, if good and pleasant, are spiritual and come only from a personal God, they say, "That is good enough for me," and readily accept the God which comes handiest; in other words, the God that prevails in the country in which they live. On the other hand, if the impressions on the subjective brain are bad and make the person unhappy or lead to injury to person or the com-

munity, all religions have provided an evil power. Until very lately the Protestant church has had the devil to fall back upon, but at present the Greek and Roman Catholic churches have a monopoly of Satan.

It ought not to be necessary to stop long to think over the claims of the church on the subjective mind, or to realize how weak its position is. If there is anything in the claim that the subjective brain is spiritual and controlled by a God, we cannot ignore the vicious and bad elements that are found in the same mind. No religion can hold itself together that depends for its existence on the claim that all that is good is a gift, an inspiration from an all powerful and perfect God, and all that is bad comes from some other source.

And this brings us to our direct argument for Atheism. A statement of what Atheists think they know about this so-called first cause or origin of things. We think we know that there was no beginning to time. That no matter how far back we go, be it millions or billions of years, time existed before. We also think we know that there is no limit to space. No matter how far we go or in what direction, there is room beyond. Now, if we are right about time and space, we feel equally sure that this vast space has always been filled with some kind of matter, if nothing more than air, and as it is impossible to conceive of even air without some pressure, our conceptions are supported by every possible scientific test, saying that it is impossible to separate force or energy from any kind of matter. Therefore, we think we know that matter and force had no beginning as well as time and space. For some years scientific men have been unhampered. We are not aware of a single college that has attempted to conceal a single fact in geology, chemistry, or astronomy, and one of the subjects to which scientists have devoted years of experience, and are still ready to experiment on, is to destroy any kind of ponderable matter, and the reverse, to make something out of nothing. Next summer say to your minister,—Take double your usual vacation; go to the laboratories of the university from which you graduated, and show the world how



to make something from nothing, or how to destroy any kind of matter, and while he is gone you want to pray early and often for God to help him. If he succeeds, the personal God idea will receive a boom it so sadly needs. If he succeeds, those of you who hold any stock in the God scheme, hold on to it, as it will certainly increase in value. Science has divided all matter into elements. By an element is meant a division of things we see, feel, or hear of around us into the different things that compose them, and those parts that cannot be sub-divided into simpler parts are called elements. Rain water can be divided into hydrogen and oxygen, but neither hydrogen nor oxygen can be divided, as far as known. We burn a piece of wood, whether it be hard or soft, and regardless of degree of heat, with a proper collection of the ashes and gases, every particle of matter is there. Nothing is destroyed. Heat, pressure, cold, is no more able to destroy anything, the one than the other. Equally impossible have been all attempts to create something out of nothing.

And now comes our second great question. With time, space, force, and matter eternal, and, therefore, without a creator, and the demonstrated impossibility of creating anything, where does this personal God, the maker of all things, come in; this creative God, so essential to all religions? Gentlemen, this God comes in with Santa Claus, but not under such pleasant conditions. This God comes in with ghosts, with witches. This Bible God is laid away with Bel, the creator, and Baal, the ruler of all things in Assyrian civilization; laid away with Osiris and Isis, the Gods of civilized Egypt; laid away with the mythological Gods of Greece, to which we owe so much; laid away with Odin and Wodin of the Norsemen,—all dead and all very powerful in their day.

In an ordinary discussion, after showing the impossibility of any creative Gods, it would be superfluous to go back and destroy any particular God; and it is superfluous. Our only excuse is that if our position as an Atheist could be shown to be a mistake, we could still show the Bible God, the God in the New Hampshire Constitution, to be a myth, and by far

a greater humbug than all the others; it being understood that we are not trying to convince those who have a selfish interest in the Christian religion. So long as the Protestant and the Catholic churches own two billions of dollars' worth of property, and support so many people, there will be supporters, no matter what the proofs against it, and I wish to call your attention to some of the proofs. Those of you who are over forty will distinctly recall Adam Clarke's Commentaries on the Bible. Until a very few years ago they were rated as the highest authority. While claimed by the Methodist church, they were so far ahead of other commentaries that all Christian writers quoted them more or less. Clarke was an English minister, a Greek and Hebrew scholar, and devoted twenty years to the preparation of his books. In his commentary he devotes a great deal of space to the age of this earth we live on. He goes into the most minute details, and, while the practical result is about the same as Ussher's, he asserts, backed up by Bible figures, that God created our earth 4004 years before Christ, and as Christ was born four years before our system of dates began, makes our earth 5910 years old at present. That the Bible writers intended to fix the age of the earth is certain, as they speak, after all but one creative day, of the morning and the evening of that particular day, and devote whole chapters of Genesis to the ages of the patriarchs, tracing their offspring down to Noah, and later, beyond. There is another account in Genesis that speaks of "the day" in which "the Lord God made the earth and the heavens." But these little discrepancies made but little trouble for the church leaders. That really great leader, Martin Luther, settled the matter for a time in the usual clear-as-mud way of trying to explain the unexplainable, by saying: "Moses spoke properly and plainly, and neither allegorically nor figuratively, that the world with all its creatures was created in six days." And then goes on to show how, by a great miracle, the whole creation was *also* instantaneous, and in his great and standard work, Dr. John Lightfoot, vice-chancellor of the University of Cambridge, and the great Hebrew schol-

ar, declared, as the result of his most profound and exhaustive study of the Scriptures, that "Heaven and earth, center and circumference, were created all together, in the same instant, and clouds full of water, and that this work took place, and man was created by the Trinity on October 23, 4004 B. C., at 9 o'clock in the morning."

But whether we take the six-days' scheme or the instantaneous theory makes no practical difference. The Bible age of the earth and the heavens is not far from 5900 years, and no specious argument made necessary by the occasion can alter it. As we discuss the flood, we shall say something of the real age of the earth, but here only of facts actually proven. During the last part of the eighteenth century, universities and scientific men of England and France began to open up the mounds and graves of Egypt in a small way, but not until a very few years ago was much done in a systematic way. And what have they found? They have found inscriptions on slate, on stone, on bricks, on wood, that give authentic proofs of an advanced civilization 8100 years old; a nation with government, laws, kings, priests, and soldiers. And no scholar, Christian or not, supposes this civilization sprang into existence in a moment, but was the usual slow growth of centuries. This little matter of 2,200 years is only a trifle for a minister to overcome, especially if he has a good salary. But, gentlemen, listen again: In digging in what was Chaldea and Babylon, in Asia, they find not only records older than the Bible, but that the Bible account of creation was borrowed bodily from the Chaldeans. This ought to strike some of us that the God who imposed this old story on Jews ought to have another chance to reinspire another Bible. Of course, if the creation is borrowed from an older religion, whether from Chaldea or India, there can be no truth in the fall-of-man theory, commonly known as the Adam and Eve story. This story, on which the Jewish and the Christian religions depend so much, is that after God had made the earth ready for man to inhabit, he made a man "after his own image" and called him Adam, and shortly after took one of

Adam's ribs and made therefrom a woman. This man and woman were perfect in form and mind. They were placed in a most beautiful and productive garden; starting life with best of prospects, and Eve's relatives must have thought that she had married well. But Eve had hardly finished sewing together a few fig leaves, when a serpent came into the garden. It is not material here whether this serpent had organs of speech or not, or whether he sailed in on the end of his tail or not, or whether the word "serpent" is translated right or not. The point is that the serpent represented sin and evil. He is supposed to have said to Eve, "You and Adam are not getting all that is coming to you; help yourselves to the forbidden fruit, and if there is any trouble, send for me." Eve found Adam, and said, "If we are going to run this garden, let us run the whole of it; the tree of knowledge is none too good for us; let us eat." Adam requires but little urging, and both do eat. About this time God shows up. The man and woman show signs of guilt; some of the forbidden fruit is missing, and God says, "This is bad business. I gave you a great start in life; set you up in housekeeping with all the modern improvements; provided you with everything in the line of eatables and livestock, and now you have given me a cold-blooded throw-down." Then this perfect man, Adam, shows his manliness by trying to lay all the blame upon Eve, with the baby cry of "the woman is to blame, she tempted me." This shows what the old Hebrews thought of women. As a matter of fact, while our original ancestors were undoubtedly brutes and savages, they were not sneaks, and it is only Bible believers that would have us believe our first man hid himself under the bedclothes and whined out, "Don't blame me, my wife alone is guilty." There is every evidence that one of the ingrained instincts of mankind is to protect the wife when anyone attacks her, and to-day, at no time in a man's life does he feel himself more a man than when he can step in front of his wife and family and say to the whole world, "If there is any blame coming, I will take the whole of it." Every man, when he thinks or speaks of

women has, or ought to have, an ideal, and that ideal should be his mother and his wife. Again, as we have said repeatedly, the whole story is imaginary. When God was letting sin and evil into the world, in Africa was an advanced civilization, with magnificent temples and comforts and luxuries of financial wealth. Sixteen hundred and fifty-six years after this, says the Bible, came what we call the flood, or, correctly speaking, the deluge. By deluge is meant the submersion of all the land of the earth. That is, that enough water came from somewhere to cover every particle of land at the same time. The Bible states that the world had become so wicked,—and if there were any truth in the story we have a right to infer that animals as well as human beings were sinful, too; at any rate, God says every living thing must die by drowning, except Noah and his family, and two or seven of the animal kingdom, and the deluge took place as per schedule, according to the Bible. Now, if this flood account were true, it shows a most powerful miracle. It would require twenty-seven times as much water as there is in all our oceans, and any power that could produce water enough and take it away in a few days would have quite a claim to be called a God or any other name it might prefer. This flood story was for many centuries the backbone of all miracle stories. Jews and Christians clung to this with perfect faith until very recently; how recently we shall show, remarking here that scientists have unearthed well-ordered villages in the Valley of the Nile that furnish connected evidence of having been in existence years before and years after the time when the Bible says the flood took place. But, between 1600 and 1800, geologists and astronomers began to doubt this big rain story, and while the world was completely under religious control and these men largely beholden to churches, they were guarded in what they said; but as they began to dig into the secrets of Nature, and improved on magnifying glasses, they found innumerable fossils all over the world. In the cold countries was found fossil remains of fishes and animals; they found them on hills, in valleys, at the bottom of lakes and marshes,

and they found that most of them could exist only in warm countries when alive. Here was a life-saver for the church. In all its trouble with science, it had always been beaten, but here science, itself, was furnishing indisputable evidence of the flood. The fossils were too many and too widely scattered to even suggest trickery, and the church said, proudly and boldly, that the only way remains of hot countries could get into cold countries was by being floated there by the deluge. This claim of the truthfulness of the flood has been one of the very latest and hardest for the church to give up. Archbishop Colenso, archbishop of South Africa, was excommunicated from the English church about 1860 for writing a book saying that the flood story was not true.

Watson's Biblical Dictionary, printed in England and America in 1848, devotes eight columns to proving the deluge to be true, and uses the fossil argument as its strongest point.

But geology had not yet begun. In the opening of coal mines it found similar fossils many feet below the surface, embedded in rocks and in slate that no water could put there. That these when living required a warm climate could be and is explained, not by a flood or by an earth 6,000 years old, but that many millions of years ago this cold country was very warm; and when geologists studied the rocks, the different stratas of earth, by observation, by the application of advanced knowledge of heat and cold, they found the age of our earth to be measured, not by thousands of years, but by millions, how many millions is guesswork.

About 1830, Keill and others showed that it would require twenty-seven times as much water as exists in all oceans to drown the earth, and in 1862, Sir Charles Lyell, then 65 years old, the celebrated geologist, a college professor, knighted in 1848, for years president of the English Geological society, a lifelong Christian, a traveler, lecturer, and author, who in his *younger* days had defended the Bible account, came out and said that the deluge could no longer be defended, and this, bear in mind, was only forty years ago. Since then Christians have given up the struggle.

This brings us to the body blow,—the blow that almost killed father, the blow that both Protestant and Catholic churches fought so hard, not only with priestly influence, but by torture and persecution, covering three centuries, and that even to this day the church is apologizing for, denying and explaining what cannot be denied or explained. About 150 an Egyptian mathematician and astronomer, named Ptolomy, announced a system or theory with details that the earth was a fixture and that the earth was the center of the system; that the sun moved around the earth, and this is what we know as the Ptolomaic theory. It was readily accepted by churches, as it agreed with the Bible. The Bible tells of the earth standing fast, and relates at length that Joshua asked God to have the sun stand still, that he might pursue and kill more of the enemy; that God did as requested, and of Joshua's success while the sun was at standstill. There had been objections before this by Pythagoras and others to this Bible theory, but the Christian world accepted it without a doubt for over 1,400 years. Some of the Christian scholars added some details, but the main idea that the earth was immovable and the center of our system, and that the sun, moon, and planets moved round the earth; that God could and did stop the sun, was unquestioned in schools, churches, and by the people.

In the year 1500 there appeared in Rome a professor of astronomy named Nicholas Copernicus, a devout Christian, and who died so, believing himself to be an agent of God, always protesting that the truth could not harm religion. He had not been long in Rome when he became convinced that the earth and planets moved on an axis of their own, and that they moved around the sun, and not the sun around them. It is not known that he taught this to students, but he did give up his professorship and returned to his native country (Poland) and commenced writing his book on the "Heavenly Bodies," firmly convinced that he was inspired by God. After writing the book and dedicating it to the pope, the question was how and where to get it printed.

No printer in Rome dare touch it. His own section was Protestant, and the printers there as fearful as those of Rome. After some delay, and when on his death-bed, his Protestant friend, Oseander, printed the book, but in doing so Oseander, himself, writes a degrading apology as a preface, saying this theory was only a supposition. There is some doubt about Copernicus ever seeing this apology, as he was certainly dying at the time. With this untruthful preface, the book was not much noticed by the Catholic church, but more so by the Protestant. Martin Luther says: "People give ear to an upstart astrologer who strives to show that the earth revolves, not the heavens or the firmament, the sun and the moon. This fool wishes to reverse the entire science of astronomy; but sacred Scripture tells us that Joshua commanded the sun to stand still, and not the earth." For several years this made but little trouble for either church.

In 1609 came Galileo with his newly discovered telescope. Galileo was an Italian, a professor of mathematics in Rome, and his rude telescope took the theories of Copernicus out of the list of suppositions and placed them before the world as demonstrated truths, and here began that long and bitter war against Galileo and his discoveries that lasted for generations, and is not yet over, against him, personally. The supporters of what was called "sound learning," declared his discoveries deceptions, and his announcements blasphemy. Semi-scientific professors attacked him with sham science. Protestant preachers, more talkative of the two, united with Catholics in accusing him of perverting Scripture. Theologians, inquisitors, congregations of cardinals, and at last, and most important of all, two popes dealt with him, and, it was hoped, silenced his impious doctrine forever, Father Clavius declaring that "to see these things, men had to make an instrument which would create them." The details of what we are about to say have been known only a short time. The outline of the persecution of Galileo and his friends are not new, but the personal part taken by Pope Urban has been covered up until eight or ten years ago. Not until the trial



documents in the Vatican library were honestly printed by L'Epnois and since by Gebler and others, has the whole truth come to light. In 1610 Galileo's telescope showed the moons of the planet Jupiter. To admit this was to admit all of the Copernican theory claimed, and dispute the plain reading of the Bible. Shortly after, the telescope found the valleys of our own moon, and that our moon shines only by light reflected from the sun, notwithstanding the Bible says the moon is a "great light." Then Galileo found spots on the sun, and their motion indicated the sun's rotation. Nearly all of the great names in church history are now found opposing him. The universities are forbidden to teach or discuss the new theory, and some excuse is sought to bring Galileo before the inquisition. Even personal friends were asked to give up private letters that the inquisition might get him as a heretic, and these friends, refusing, were afterwards severely punished. After waiting two years for a reasonable excuse, and finding none, excuse or no excuse, he was, in 1615, summoned before that dreaded tribunal, the inquisition of Rome. A committee of theologians of the inquisition were ordered to examine two propositions of Galileo's on the sun's spots, and after solemnly considering these points for a month, rendered their unanimous decision as follows: "The first proposition that the sun is the center and does not revolve about the earth is foolish, absurd, false in theology and heretical, because expressly contrary to holy Scriptures; and the second proposition, that the earth is not the center, but revolves about the sun, is absurd, false in philosophy, and from a theological point of view, at least, opposed to the true faith." Cardinal Bellarmine shows Galileo the error of his opinion and orders him to renounce it. DeLanda, fortified by a letter from the pope himself, gives orders that the astronomer be placed in the dungeons of the inquisition should he refuse to yield, and Bellarmine commands Galileo, as follows: "In the name of His Holiness, the Pope, and the whole Congregation of the Holy Office, to relinquish altogether the opinion that the sun is the center of the World and immovable, and that the earth

moves; nor henceforth to hold, teach or defend it in any way whatsoever verbally or in writing." This injunction Galileo agrees to, and promises to obey. Some writers of note deny that the great astronomer agreed to this, but the probabilities are that he did, as he well knew the power of the inquisition, and that even then it was burying men and burning their writings for heresy. This was the 26th of February, and fourteen days after, Pope Paul V solemnly rendered this decree: "The doctrine of the double motion of the earth about its axis and about the sun is false, and entirely contrary to holy Scripture." With this decree science had apparently lost, forever, a decisive battle. For several years Galileo retired to Florence, still working, but publishing nothing except letters to personal friends. In 1623 Urban VIII became pope. As a cardinal, Urban seemed liberal and fair, and evidently was so at first. From Galileo's personal knowledge of the new pope, he let his views become known again. The pope invited him to Rome and personally tried to show him that he was in error. That he remained friendly for a while is shown by the pope's permission for Galileo to print his new book, "The Dialogue," with the provision that the preface be written by the master of the sacred palace, in which Galileo's theory was exhibited as a play of the imagination, and not at all opposed to the Bible. The new book was a great success. The pious preface was laughed at by every one not owned by the church, and here occurred one of those events whose far-reaching effects cannot be foreseen. From a friend, Pope Urban became a most bitter enemy, and took personal charge of suppressing Galileo and his works. The pope was not only pope, but a prince of blood, and Galileo in his book repeats the arguments used by Urban, and puts their refutation into the mouth of another. This touched the personal vanity of the pope, who completely lost his temper. Had he controlled his temper enough to cover up his personal feelings, or allowed the Protestant church to carry on the fight, as it was only too willing to do, the Catholic Church would not be apologizing, disputing, and denying

even up to this day for the greatest of all scandals. To fully realize this scandal, we must bear in mind always that the supreme authority in the Catholic church is the church,—not the Bible, not Christ, not the Virgin Mary, but always the church, and as its prime mouthpiece, the infallibility of the pope is as essential as Christ is to the Protestant religion. For saying publicly, “Nothing that can be done now can hinder the truth.” Cardinal Castilli was dismissed in disgrace, and Galileo once more summoned before the inquisition without a defender or adviser. There, as is now fully revealed, he was menaced with torture again and again by the express order of Pope Urban, and, as now thoroughly established by the trial documents, themselves, forced to abjure under threats, and subjected to actual imprisonment by popish orders, the inquisition deferring the whole matter of the papal authority, and Galileo, with threats equivalent to torture, was at last forced to pronounce publicly and on his knees his recantation as follows: “I, Galileo, being in my seventieth year, being a prisoner, and on my knees, and before your Eminences, having before my eyes the Holy Gospel which I touch with my hands, abjure, curse and detest the error and heresy of the movement of the earth.” Christian writers would belittle Galileo because he perjured himself but only a short time before Brono was publicly burned alive for defying the church with philosophical heresies; and eight years before Archbishop of Spalatro died in a dungeon, his body and writings burned in public. As it was, even after the recantation, Galileo was kept in exile from his family and friends. When, with old age, disease and mental suffering, he asked for some little liberty, he was threatened with committal to a dungeon. At last he became blind, and although wasted by disease and sorrow, he was closely watched to his dying day. And this was the great church victory over a demonstrated truth, and what a victory! It is worth more than a passing thought. In those days the church ruled the world, and contained pretty much all the brains, but it thought it could crush out a fact, the main points being as

well demonstrated as they are to-day. From that day to this the church has denied and explained, but if one single instance can be found for one hundred years after, where a school, a college, or a university taught this theory, it would be a boon to both churches and an important addition to history.

In leaving the Old Testament, we have considered the four most important questions of evidence. It makes no difference that the churches now assist each other in showing their falsity. They never admitted it until they were obliged to; but what interests us is that they have been proven, beyond a doubt, to be untrue. It shows that Bible makers borrowed or guessed at things older than themselves, and it shows that no all-knowing being or God could inspire such a book. These, and numberless other mistakes, have come so rapidly that one cannot predict for a day what the next startling blow will be. The childish excuses of religious papers and magazines is a reflection on a bright child of fifteen years of age. The Protestant church really is dead, but is outwardly held together by its immense wealth. So long as there is any money left, it will find ministers and followers. *The New York Sun*, one of the few dailies to open its columns to all sides of this discussion, says editorially that the day is not far distant when it must be decided whether the Bible is inspired or not. Of the Bible itself, it is not worth reading. It is made up of untruthful ancient history, of a more or less connected and more or less correct history of the Jews. The authorship of nearly all of it is unknown. The Catholic Bible has more books than the Protestant. There are many very good sayings; many very bad; many very childish; far too many that are very cruel, and still more that are senseless. It is quite a strain on our confidence when our fellow-men say they believe in the God Moses is supposed to tell about in the fourteenth chapter of Numbers. The Christian world should start at once and dig up the soul of Moses, and say to him, "You old rascal, re-write this chapter, and do it quick, or, regardless of the price of coal and wood, we will start a real hell and in it your soul shall toast forever and a day."

This brings us to the New Testament, or, what interests us, to the discussion of Christ and him crucified. Of course, if it can be shown that this man Christ was born of a virgin, performed miracles, arose bodily from the dead, *then* it is not necessary for us to admit that he was a great power, and no matter how many Gods had come and gone before him, he would show a power by which his followers could justly claim that he can control our lives and destinies, that would entitle him to be called a God. We say if these can reasonably be proven, but we shall show that every one of the points of proof, not a part of them, but every single one, were manufactured by designing men at least one hundred years after Christ was dead, and we believe this to be worth close attention. The actual knowledge of Jesus Christ; of his movements, and of what he said is very meager. He was born in Syria, of very poor and very low grade, of Jewish parents, and followed the trade of a carpenter until about thirty years of age. At that time he started out as a religious reformer. From what little is known of his preaching, he and his followers catered only to the poorest and most degraded elements of society. The rich were denounced because they were rich. The slaves in bondage, then so numerous, were catered to, promised an eternal life, and socially recognized at all their meetings. After less than four years of preaching he had so large a following that the authorities thought him dangerous, and he was killed, but they could not kill his following; he had promised too many good things to those who accepted the meek and lowly Jesus. The most ignorant and vicious of human beings became church leaders, with titles of bishops and archbishops. In the three or four years of talking, Christ must have said something his followers would remember, and shortly after his death different Christians and church authorities started in to write up Christ and his sayings. Many of these writings are lost altogether, and we know of them only by other writers referring to them. Nearly all are incomplete, but there are extant a part or the whole of about ninety of these gospels or epistles. Most of these were

written not long after the death of Christ, and doubtless contain considerable truth; but none of them are in the New Testament as we have it, although all of them have been recognized at different times. St. Paul, a Jew, a few years after the death of Christ, became a Christian, and wrote and talked a great deal. Paul wrote some epistles and they are in the New Testament. They were written somewhere between the years forty and sixty-seven, as he died in that year. These epistles are considered genuine by scholars, and are the only things in the New Testament that are handed down to us as they were originally prepared. How important it is to bear in mind that Paul's writings were really his, and must have been written not long after the death of Christ, will be understood directly when we show what he *did not* say. St. Paul lived and wrote shortly after the death of Christ, and he would be certain to know and speak of the great events in the earthly life of a Son of God. We shall see whether he did or not. For 150 years after Christ, the church drifted, one neighborhood using one gospel, another another, until, not earlier than the year 125, somebody, somewhere, got together and compiled what we know as the four synoptic gospels, Matthew, Mark, Luke, and John. By synoptic is meant the part of the New Testament that is authority for all the rest, the other books being for reading and instruction, but the first four are the basis of faith in all cases. The claim of the dying church is that because the four gospels contain many things copied from older books, the whole are genuine. This would be a fair and legitimate claim if the books were a copy, but they are not. All of the essential points were added 100 or more years after the man said to have performed them was dead and buried. For here, for the first time, we hear that Christ was born of a virgin; for here, for the first time, we hear that Christ performed miracles; for the first time, we hear that Christ was resurrected bodily from the dead; and here comes the crushing statement that Paul, Paul who talked and preached for years, Paul, who discussed everything and everybody, never knew that Mary, the mother of Jesus,

was a virgin. Paul never heard that Christ fed a multitude with a few loaves and a few fish. Paul never heard that Christ came forth from his grave a live, walking body. But, gentlemen, Paul wrote at the time, and no matter how anxious he was to serve his Lord, he dare not manufacture miracles so near the time and so near home. But these New Testament falsehoods our parents and our grandparents lived and died believing to be sacred truths. Let the Christian world produce one proof, not manufactured one hundred years after it is said to have occurred, that Christ walked on water, or raised the dead, or performed any other miracles. Let it produce one proof that the mother of Christ was a virgin. Let it produce one proof that his body was restored to life. The church has not done it, and without the proof what is there left of Christ that should lead us to believe that he was an all-powerful God. There isn't a minister, there isn't a priest, that would not sacrifice years of time and research to be able to produce evidence that would establish even one of these things, and without them, immaculate conception, miracles and bodily resurrection, Christ becomes what he really was, a religious agitator. There were many before him claiming to be divinely inspired, and there have been many since. All frauds and mostly short-lived.

Now, for a moment, let us consider the situation, as men capable of using our reason. We can dimly realize the vastness of the universe, very faintly, it is true, but enough to know that it is beyond our comprehension, and we grasp something of what a creator, or power, or God, had to do when he made all this universe out of nothing. A few weeks ago Astronomer Elkin announced to the world that the star or sun Arcturus is twelve million times as far from the earth as our sun. Our sun's mean distance from the earth is ninety-three millions of miles. If our sun were as far away as is Arcturus, it would not be visible at all with an opera glass. He says, therefore, that Arcturus is 6,000 times as bright as our sun, and he assumes the same density and brightness of surface as our sun, making the diameter of Arcturus seventy-

nine times our sun's diameter, or over sixty-eight million miles, and its mass about five hundred thousand times the mass of our sun. Nobody thinks for a moment that Arc-turus is the end of space, but the figures stagger our imagination. From things immensely great, science is unable, with its present magnifying glasses, to say how minutely small nature has divided matter. We all know something of the ability of machine shops to test a machine within one ten-thousandth of an inch, but science can take a globule and subdivide not only into thousands and millions of parts, but into billions of distinct formations, and a globule is a small drop, smaller than a sugar-coated pill, and we are asked to believe that a God with power to create a universe of the immense things and equally minute things, first revealed himself to a very small part of mankind 6,000 years ago, that his whole career was one of childishness, of extreme jealousy, of constant fear that people would worship some other God. He devotes his time to following the fortunes of a few wandering people, encouraging war, and directly advising and assisting in those wars, and then, with all this vast universe to look after, overshadows an extremely ordinary Jewish girl, who produces a son; this son, reared among the lowest people of Syria, remains thirty years in obscurity, then preaches from one to four years. This God allows *this Son* to believe that the devil owns the earth, as it is said he talked seriously with Satan as to whether he should follow him or God. After this Son is crucified, he is in a few days taken to a place called Heaven, and from that time out is the only mediator through which human beings can hope for mercy. For many centuries this God and his Son are heard of only in countries within a few hundred miles of the Mediterranean sea. Billions live and die in Northern Europe, Eastern Asia, Southern Africa, and the whole of America without ever hearing of Jehovah or Christ. Since 1500 this Bible God has lost all foothold in Asia and in Africa. In the promised land there is no longer fighting between the Crescent and the Cross. The cross has been lowered to the earth, never to rise again.



In its place waves the Crescent of Mohammed, and six times every day the faithful say: "There is but one God and Allah is his prophet." But we are asked to believe in this Bible God, and no doubt many of you do believe in him, and your children may believe in him, but your children's children will not believe in him.

In discussing the Bible, we have left by far the most important issue to be considered last. There must have been an "exceeding glad" feeling come over the ordinary Christian when, only eight or ten years ago, the Protestant churches began to give up hell. Now all have given it up. They say hell does not mean a place of torture and endless punishment, but means simply a final stopping place for the dead. We, here in New Hampshire, recall the ridicule that sprang up among the Protestant churches when a society came before the public under the name of Universalists, claiming that everybody would eventually be saved. The other churches attempted to crush them by hurling at them such passages as Matthew, 18th chapter, "It is better for thee to enter into life halt or maimed, rather than having two hands or two feet to be cast into everlasting fire." See Mark 9:43, and Luke 3:7, "O generation of vipers, who hath warned you to flee from the wrath to come." Or, "Who shall be punished with everlasting destruction from the presence of the Lord, and from the glory of his power." In church history, in the bitter controversies between the eastern and western churches, they fully agreed on the subject of future punishment in hell; in the belief that the punishment was endless, and this belief, in the strict sense of the word, was always recognized as a common doctrine of both. There is another word translated Gehenna (See Math. 5:22, 29, 30), that is never found in any other significance than that of a place of punishment of the sinner after death. The above extract is taken almost bodily from Chambers' Encyclopedia. Jonathan Edwards, of whom the Encyclopedia Britannica speaks of as being one of the greatest of theologians—and encyclopedias do not use the word "greatest" without some

reason—has this cheerful message (taken from a sermon by Jonathan Edwards on “The sinner in the hands of an angry God.”): “There is nothing that keeps wicked men at any one moment out of hell but the mere pleasure of God. By the mere pleasure of God, I mean His sovereign pleasure, His arbitrary will, restrained by no obligation, hindered by no manner of difficulty, any more than if nothing else but God’s mere will, had in the least degree, or in any respect whatsoever, any hand in the preservation of wicked men one moment.

“The pit is prepared, the fire is made ready, the furnace is now hot, ready to receive the wicked; the flames do now rage and glow. The glittering sword is whetted and held over them, and the pit hath opened its mouth under them. . . . The great part of those who heretofore have lived under the same means of grace, and are now dead, are undoubtedly gone to hell.

“The bow of God’s wrath is bent, and the arrow made ready on the string; and justice directs the arrow to your heart, and strains the bow, and it is nothing but the mere pleasure of God, and that of an angry God, without any premise or obligation at all, that keeps the arrow one moment from being made drunk with your blood.

“The God that holds you over the pit of hell, much in the same way that one holds a spider, or some loathsome insect over the fire, abhors you, and is dreadfully provoked; his wrath towards you burns like fire; he looks upon you as worthy of nothing else but to be cast into the fire; he is of purer eyes than to bear to have you in his sight; you are ten thousand times more abominable in his eyes than the most hateful venomous serpent is in ours. . . . You hang by a slender thread, with the flames of divine wrath flashing about it, and ready every moment to singe it, and burn it asunder.

“If you cry to God to pity you, he will be so far from pitying you in your doleful case, or showing you the least regard or favor, that, instead of that, he will only tread you under foot; and though he will know that you cannot bear the weight of Omnipotence treading upon you, yet he will not re-

gard that, but he will crush you under his feet without mercy; he will crush out your blood and make it fly, and it shall be sprinkled on his garments, so as to stain all his raiment. He will not only hate you, but he will have you in the utmost contempt; no place shall be thought fit for you but under his feet, to be trodden down as the mire of the streets."

Just what has been done or will be done with the many billions of human beings who have roasted all these years in hell, the church has not yet decided, but you Christians ought to contribute twice to every contribution box, and hug yourselves with thankfulness that you lived beyond 1890, when hell was abandoned, although it is probable that most of your ancestors are still wheeling brimstone over red hot fire-coals,—all because they were born a few years too soon. This closes our review of the Bible God and His reputed Son, and we wish to speak briefly of immortality and then of the churches of the present day. But *brief* as we may be on immortality, or conscious life after death, it will be much longer than any immortality you will ever realize. Immortality has been the dream of sentimental people, of disappointed people, and of disordered brains. The words, "immortal soul," like Heaven and hell, are very useful in religion, but are in fact pure imagination. Immortality has been promised by all the later-day religions to those only too willing to believe it, but there is not the slightest evidence or probability that it is true. The probabilities are all against it. The seat of intelligence, the brain, depends wholly on life in the body. Through all these years of speculation, no evidence appears that there is the slightest consciousness after death. The Christian rises up and, pointing to an Edison or a Darwin, says, "Is that great intellect to die, to decay, and disappear?" We should say it would. If we listen to a special plea like this, we must consider the whole human race, and, considering only what are now living, taking everybody, from hot climates to cold, we find the general intelligence very low. The great bulk in habits and in intellect are not much above what we call ani-

mals, inferior in many things, and superior only because they have organs of speech. If it seems wrong to bury in the grave the intellect of Webster, what is there worth saving about the common herd? Science explains to us that the formation of the brains of animals is the same as that of human beings; that at death both decay, separate into their elements, dissipate in the air, and help to form the brains of some other human being or animal. Were there truth in immortality, it seems to force the conclusion that animals, too, have an immortal life.

But there is no conscious life beyond the grave. If our death be natural, it will come without hope or fear. Death is but the wasting away of our vitality. As it approaches our desire will be for sleep. We will not know just when it comes, but it will be welcome just the same, and as the real Goddess, the Goddess of endless sleep, extends her arms for the last time, our thoughts will be, not on immortality, not on future punishment, but on an eternal rest.

In discussing our last subject, the churches of the present day, we regret to note that many infidels and atheists can see no good in churches, because the ground-work has been shown to be a humbug. But, in taking this position, infidels and atheists only belittle themselves. In the church is found most of our best people. It would be foolish to deny it, and it would not make a particle of difference with the fact, if we did deny it. As young people grow up, they are told that all that is good, all that is upright, all that is honest, comes from or is connected with religion, and those that are naturally good are drawn toward church society and influence, and the influence to-day is certainly uplifting, and their ambitions in life take a higher level. We do not agree with infidels that note with glee that some minister or prominent church member has gone wrong. The few black sheep do not count. The average minister has a sincere desire to make people better and happier. There is more to a minister's life than drawing his salary and taking vacations, and the church is evolving as fast as desirable. It has given up almost every-

thing objectionable. It has doubts of the usefulness of prayer. It has discarded hell. The Unitarian church, which has been on all sides of these great questions, does not now hamper its ministers or its members with any sort of belief. Its services are mostly lectures, many of them instructive and entertaining. All of the Protestant churches are to-day, not religious orders, but social societies, and the social features are most commendable. Here women meet and observe their friends and acquaintances. They learn how others do and act, and if they are pleasant people themselves, they always find plenty of other pleasant people. We trust there are no infidels or atheists who deny their family the society of churches. If there are any such, no matter what their education may be, they are narrow-minded, and evolution has not yet done its work.

The great nuisance of the Protestant church is its professional begging. Its constant whine is "Money, money, money." The contribution box is everywhere and at all times. The condition of a family is seldom considered. If a family can keep away from the poor house and attend church, it must give and give. But these matters will adjust themselves. The Protestant church will shortly combine and become one huge social society. Praying will cease altogether. Sermons will be practical lectures, and the name of God seldom heard. The Catholic church is still a great power, and will be long after the very name of Protestant has been forgotten. Its military discipline, its great wisdom in its absolute refusal to argue disputed points, its insistence that the church and not the Bible is the real authority, hold it together with a generalship that Protestants now admit, but saw too late. When a Catholic thinks his church is wrong he does not kick or start another church, but gives up churches altogether. The church ignores him and devotes itself to suckers that never kick. The great wrong of the Catholic church to-day is its nunneries, but they are happily growing less and their inmates fewer. The nunnery buries for life the brightest and healthiest of its young women. Before

they are old enough to know or realize what they are doing, they accept a life of sacrifice, believing that their sacrifice is preparing them for a life of endless happiness. As one meets these nuns on the street, and notes their white faces and emaciated forms, he feels a weakness in his legs, as though he would like to lean against a fence, all the time thinking to himself what a God-damned humbug this whole religion is.

And this ends our story. It is only proper to say that our argument for Atheism is taken from Buchner's "Force and Matter." Our facts about Christ from Judge C. B. Waite's "History of the Christian Religion to the year 200;" and our account of Galileo, much of it bodily, from Andrew D. White's "History of the Warfare of Science with Theology." Andrew D. White was for years president of Cornell university. At the time of writing this book, he was our minister to Russia, and has only within a few weeks resigned from the position of United States minister to Germany. These, with our gratefulness to the Century Dictionary and the encyclopedias, are authorities that are so far unimpeached.

Those of you who are so full of superstition that you believe that any new undertaking begun on Friday will be a failure will profit little by this address, and we assure you,—and we say it kindly,—Atheism does not want you. Atheism is progressing fully as fast as intelligence is progressing. After all superstition is dead it will be popular, but until that time, the only converts it wants, or will tolerate, are those who study the question and draw their conclusions from facts and not from faith.

With Atheism comes a perfect contentment. A perfect happiness that we believe no religion can ever furnish. It teaches us to live one life at a time. It is the only complete and permanent cure for nervousness and it teaches us that every man owes his success and happiness in life largely to himself, and that no supernatural agency can help him or harm him.

Mr. Wingate of Stratham—Before the fifth article is dis-

posed of, and while acting upon it, I wish to make a motion; that the word "subject" should be stricken out and the word "citizen" should be substituted in its place.

The Chairman—Article six is now in order. Mr. Everett of Nashua began his remarks prematurely.

(Article six read by the clerk.)

Mr. Baker of Bow—I suggest that the proposed amendment be now read, in order that the delegates may compare the two and have them thoroughly in their minds.

Mr. Aldrich of Littleton—Will the gentleman from Bow yield for a question? I think it would be useful if the gentleman stated in a general way how far he changes the general phraseology of section six, as the members have not had the opportunity to compare the proposed amendment with section six. I suppose the substantial thing in the amendment is to strike out the word "evangelical" in the first part of article six, and the word "Protestant" in the last line of the same paragraph. While all concede that these expressions are objectionable many feel that we should adhere as far as possible to the general phraseology of our forefathers, and I think it would be convenient to the members of the convention if the gentleman should state how far he departs from the general phraseology of article six.

Mr. Baker of Bow—In response to the request of the gentleman from Littleton, I have to say, that the substance of article six, with the exceptions which he has detailed, are retained; very much of the language is retained. The word "evangelical" and the word "Protestant" are entirely dropped out. I think it is now the general wish of the people of the state of New Hampshire that there should be no suggestion of partiality in our Constitution. As article six now reads, the several towns are authorized, or rather the legislature may authorize the several towns, to employ clergymen

or teachers of piety, as termed in article six, and taxes may be assessed to pay the salaries of these clergymen; but it also provides that they shall not compel anybody to pay towards the support of such teachers of any religion in which they do not believe.

That part has been entirely omitted in my proposed substitute because I apprehend that there is no desire on the part of anybody at this time that there should be any taxation whatever in regard to religious matters. That is the only change at that point.

I have added one or two clauses here, which are not in the Constitution at all as it stands. One of those is, that no public money or property shall be appropriated for the use of any religious society, sect, or denomination, or the support of any religious establishment. I think you are all agreed on that. The other provision is with reference to religious test as a qualification for office.

(Reads proposed amendment.)

My purpose has been, gentlemen, to divest the government of the state of New Hampshire from any suspicion of favoring one denomination more than any other, or leaving the legislature any authority whatever to favor one society rather than another. I am ready to answer any question.

Mr. Aldrich of Littleton—Will the gentleman permit me again? I do not wish to have it understood that my query involved any objection to the draft which the gentleman from Bow has proposed. The only object of my rising to the question was to enable the gentleman from Bow to state to the Convention precisely what changes he proposed. His explanation has been quite satisfactory to me and I am in favor of the adoption of the draft as presented.

Mr. Kent of Lancaster—I am very generally—and perhaps I am wholly—in favor of the ideas suggested in this proposed amendment. I think the time has come when there



should be no reference in this fundamental document of our state to any special religious society or religious questions. In that regard I think it should be changed and shall vote for that.

I desire, however, to retain in this article so much of the language and the spirit of our fathers as may be retained in order to bring about these changes.

For one, it seems to me that it would be better to have this amendment in full type and put into the hands of every member of this Convention who may be called upon to pass upon its adoption, and so I am in favor of letting this matter lie over so that the amendment may be printed and we may have a full opportunity of comparing the changes with the original article before voting definitely with reference to any change, and I move that we pass this over and that the amendment be printed.

Mr. Baker of Bow—Mr. Chairman, I understand that the wish of the gentleman from Lancaster is that the amendment be printed and lie on the table for further consideration, and that we proceed with the reading of the Bill of Rights at this time. To that I have no objection whatever.

(Motion of Mr. Kent is carried. Clerk reads articles seven, eight, nine, ten and eleven.)

Mr. Edgerly of Somersworth—I would like to inquire if in the Committee of the Whole amendments can be offered to these articles as they are read, or, should the amendments be offered in the Convention and then be referred to the Committee of the Whole?

The Chairman—The chair will state that as the chair understands, this amendment of the gentleman from Bow is committed to the Committee of the Whole and nothing but that should be considered by this committee.

Mr. Edgerly of Somersworth—Then I wish to give notice

that I have an amendment that I desire to offer to article eleven.

Mr. Lyford of Concord—My impression is that the amendment can be offered in the Committee of the Whole. I think that is the practice in bodies where Committees of the Whole are more in vogue than in the legislature of New Hampshire. I would ask the gentleman from Concord, Mr. Chandler, how that is.

Mr. Chandler of Concord—I suppose that this Convention may do as it likes. I supposed that this Bill of Rights was being read in order that amendments might be offered.

Mr. Wingate of Stratham—If amendments can be offered in the Committee of the Whole, I have an amendment to propose—that the word “subject” be stricken out wherever it occurs in the Constitution, and the word “citizen” be substituted in place thereof.

Mr. Aldrich of Littleton—Will the gentleman accept the suggestion that the word “citizen” is too narrow? It would not include an unnaturalized foreigner or children. I would suggest the word “inhabitant.”

The Chairman—Upon the suggestions made by the different gentlemen we will proceed, if there is no objection, to receive amendments.

Mr. Edgerly of Somersworth offers the following amendment to article eleven:

*Resolved*, That the Constitution of this state be amended by adding at the end of article eleven of the Bill of Rights the following:

“But no person shall have the right to vote, or be eligible to office under the Constitution of this state, who shall not be able to read the Constitution in the English language, and

write his name; *provided, however*, that this provision shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age or upwards on the first day of January, A. D. 1904."

Mr. Edgerly of Somersworth—Mr. President, I have offered this resolution at this time for the purpose of getting it before the Convention, but I am not aware that all parties interested therein are prepared to discuss it now. I believe it is a matter of importance to us all that this amendment should be adopted. It will be seen by reading the resolution, that it does not affect the right of any party to vote, who is now a voter; but it is for the purpose of preventing men who are unable to read or write from voting in the future, provided they are not of the age of sixty years, and provided further that they are not disabled by any physical disability from complying with its terms.

I would move for the purpose of allowing the Bill of Rights to be read through, that this amendment lie upon the table, and be printed, and be taken up and discussed at some other meeting of the Committee of the Whole.

Mr. Streeter of Concord—I rise to a question of order. I may be wrong, but I think there must be some misapprehension about the parliamentary situation. I believe that the records will show that the only question referred to the Committee of the Whole was the resolution offered by the gentleman from Bow, Mr. Baker.

Mr. Lyford of Concord—The motion made by the gentleman from Bow, Mr. Baker, to my recollection was that the Convention resolve itself into a Committee of the Whole on the Bill of Rights, part first; and then I either made the suggestion or a motion that the Bill of Rights be read section by section and considered. If I am correct, amendments would be in order.

I think the proper motion would be to lay this amendment on the table for the purpose of printing, and that this article be passed over for the present.

Mr. Streeter of Concord—I yield, of course, to the very much wider experience of the gentleman with reference to the rules and parliamentary law, but I do not quite see how under any logical interpretation of those rules an amendment to the Constitution can be proposed in a committee, and I should expect, in order to get our records right, that we should have to have the amendment proposed by the gentleman from Somersworth re-offered in the Convention. This is a committee and not the Constitutional Convention. I do not desire to discuss it because I care about it, but only because I wish to keep our records so that we can pursue our course in a logical way.

Mr. Chandler of Concord—Why is the Bill of Rights being read in the Committee of the Whole?

Mr. Streeter of Concord—I will answer that I did not understand the Bill of Rights was referred to the Committee of the Whole.

Mr. Chandler of Concord—The gentleman from Bow offered his amendment and it was suggested that the Convention resolve itself into a Committee of the Whole and the Bill of Rights should be considered. Now if there is any purpose in the consideration of a document either in part or in whole, it is that it may be amended, and it facilitates business to have this done in a Committee of the Whole, inasmuch as there cannot be any call for the yeas and nays.

(The motion upon which the house resolved itself into a Committee of the Whole was read.)

Mr. Lyford of Concord—I would suggest that the motion of the gentleman from Somersworth, as well as the motions

previously made by the gentlemen from Bow and Stratham, that the amendments proposed be laid upon the table to be printed and that the section be passed over for the present.

Mr. Edgerly of Somersworth—I accept the suggestion of the gentleman from Concord and the amendment.

Mr. Jones of Manchester—I would like to inquire where the table is in the Committee of the Whole where these are to lie. It seems to me that the Convention is the body and the table is the place where the Convention refers things to that it desires to take up later, but when we come into the Committee of the Whole I am not aware that laying matters upon the table is the proper mode of procedure. The motion should be, as I think, to pass and print.

The Chairman—It is a mere question of words, I suppose.

Mr. Niles of Concord—I should like to return to the question of whether this committee is in order in taking up amendments to the Constitution proposed here. Is it proper for new business before the Convention to be introduced in one of its committees? It does not seem to me it is. I think we are confused over the term “amendments.” Amendments may be undoubtedly made in the committee to a motion or resolution that has been referred to it, but new business in the form of amendments to the Constitution I think is entirely out of place in being introduced before the committee. But if that is the course to be pursued and we should be barred from offering amendments to articles of the Bill of Rights, that have been read and passed, then there is an amendment that I desire to make to the Bill of Rights. I therefore want to know what the practice will be with reference to these amendments; whether we are barred from offering amendments after an article has been passed.

Mr. Lyford of Concord—In reply to the gentleman from Concord, I would say that the offering of an amendment to

the Bill of Rights, which is the subject under consideration, by the motion of the gentleman from Bow, Mr. Baker, is not new business.

Mr. Chase of Bristol—It seems to me that we are in this situation; that these votes we are passing in the Committee of the Whole are matters which must be reported by the Committee of the Whole to the Convention, to be finally acted upon by the Convention later. It does not seem to me that it is anything more than a recommendation which the Committee of the Whole decides to present to the Convention at some time.

Mr. Lyford of Concord—The gentleman is exactly right. All of this work will have to go before the Convention sitting as a Convention, and these amendments will be acted upon there.

The Chairman—The motion is to lay upon the table. If there is no table, we will pass that. The motion will then be, that the amendments proposed be printed and the sections to which there are amendments be passed for the present.

(Resolution adopted.)

Mr. Wingate of Stratham—I desire to make another suggestion with reference to my motion to strike out “subject” and insert “citizen.” I made the motion thinking that if I did not make it at the time it would be too late to make it later. Since it was forwarded to the desk I have received a suggestion from Judge Aldrich that the word “citizen” ought to be “inhabitant.”

Mr. Aldrich of Littleton—On reflection, I should prefer the word “one.”

The Chairman—The gentleman will put his motion in writing.

Mr. Wingate of Stratham—I did so and gave it to a page to be taken to the desk.

Mr. Lyford of Concord—For the purpose of making our records so they will be correct, I move that we return to article five of the Bill of Rights, for the purpose of amendment.

The Chairman—If there is no objection on the part of any member of the committee, we will return to the consideration of article five.

Mr. Baker of Bow—I think that I have been somewhat instrumental in leading this committee into what I apprehend to be really an error of practice.

I think that when the resolution or amendment, which I had the honor to offer, was passed upon I should have made the motion that the committee do now rise and report to the Convention, and then in the Convention I should have made the motion that my resolution lie upon the table and be printed.

I ask, Mr. Chairman, unanimous consent that the action taken may be considered as naught, and if that unanimous consent is given I will make the other motion.

The Chairman—Will you please state your request again?

Mr. Baker of Bow—I ask the unanimous consent of the committee that the action taken by the committee in relation to the resolution which I had the honor to propose, be null and void or be reconsidered.

The Chairman—As I understand the motion that the gentleman proposes, it is, that the action of the committee—which was that his amendment to article six of the Bill of Rights lie upon the table to be printed—be reconsidered.

Mr. Lyford of Concord—Where does that leave us as to all the other work of the committee? Does the gentleman pro-

pose to strike out all the work of the committee from the time his resolution was acted upon to the present time?

Mr. Baker of Bow—My proposition is that the motion which was made to lay my amendment upon the table to be printed, be reconsidered. Then I would withdraw my motion and move that the Committee of the Whole do now rise and report. I presume that if that were done it would render null anything that has been done since then.

Mr. Edgerly of Somersworth—I do not know what situation this would leave my amendment in, but it strikes me that the proper thing to have done would be to consider all the amendments before the Committee of the Whole and then to rise and report progress, and ask leave to sit again on these different amendments.

Mr. Baker of Bow—The trouble is that the resolutions of the gentleman from Somersworth, Mr. Edgerly, and of the other gentleman, which were made in the Committee of the Whole, are not in order as they were not before the Convention, as I understand it.

Mr. Edgerly of Somersworth—That was a doubt that I had, and I would not have offered my amendment had I not been in doubt as to whether it would have been barred by not presenting it here; whether we would be barred from going into the Convention and offering a resolution upon a section, which amendments we had said nothing about in considering it in the Committee of the Whole. I understand it to be in this way: that when the Bill of Rights was submitted to this Convention and when an article was read that one wished to have amended, they must then and there offer amendment or be thereafter debarred.

Otherwise I would not have offered my amendment. If this whole action of the committee is to go for naught from the beginning and we are to start over again and consider an amendment and then rise and report progress on that and



leave opportunity to offer other amendment hereafter, I am satisfied.

Mr. Lyford of Concord—I see nothing to be gained from the action asked to be taken by Mr. Baker of Bow.

Supposing that we do make mistakes and supposing that our procedure is not just what it ought to be, when we come into the Convention, the Convention can correct anything we do.

The Committee of the Whole is not a usual thing in the legislatures of New Hampshire and it is natural that we make some errors as we go along, but as I have already said, all of those errors can be corrected in the Convention and I see no reason why the motion of the gentleman from Bow should prevail.

(Motion put and rejected.)

Mr. Lord of Manchester—Mr. Chairman and gentlemen, as one of the members of the Convention I am not familiar with the Committee of the Whole. As has been suggested, it is an unusual proceeding here in New Hampshire to sit in a Committee of the Whole, and there are not many of us who seem to know anything at all about it. I would like to know what we are doing.

It seems to me that the proper place for the Bill of Rights to be read and considered would be in the Convention and the amendments offered there and then referred to the Committee of the Whole, where they can be discussed. If it is in order, therefore, I make the motion that the committee do now rise and report no progress and ask leave to sit again at some other time.

Mr. Aldrich of Littleton—I am opposed to that. I am opposed to taking any backward steps. This is a Constitutional Convention and it is above and beyond parliamentary rules. When it has done anything fairly, whether it is in the Committee of the Whole or as a Convention, no one can question it. We have made some progress and no one has a

right to question what we have done. It offends no principle, it offends no parliamentary law, except those that the Convention has a right to waive for the time. It makes no difference whether these things are submitted in the Committee of the Whole or in the Convention. It is simply the question of considering the changes the people should make to the Constitution, and the object, as I understand it, in going into the Committee of the Whole and reading the Bill of Rights is to receive suggestions and consider them. If we come to a matter that we can dispose of here, make a disposition of it, and no one can question it. If we come to a matter which we think should be printed and considered further or reported to the Convention, we can do that.

There is no occasion to talk about making mistakes, because we cannot make any by receiving amendments whenever offered, if the committee chooses to receive such amendments and consider them. And that I think is so, whether we are sitting in a Committee of the Whole or in Convention. It makes no difference, and I am opposed to the motion of the gentleman from Manchester that we rise and report no progress. I think we had better go along as a Committee of the Whole and read the Bill of Rights and receive such suggestions as we can dispose of. If we come to something that cannot be disposed of here, then we can consider the matter of rising and reporting.

Mr. Jewett of Laconia—I see no difficulty, as the gentleman from Littleton has said, in the parliamentary situation. As I understand the situation, the Bill of Rights is under consideration by the Committee of the Whole, it having been referred to that committee by the Convention. We have been sent into Committee of the Whole upon the line which the stenographer has read.

Now, my understanding of the Committee of the Whole is, that unless work of the Committee of the Whole is approved by the Convention, nothing has been done; but whatever the committee does, which is approved by the Convention, is something that has been accomplished.

Under those circumstances I think that any amendment that any delegate desires to submit can be submitted here and that it can be printed and discussed, that the whole Bill of Rights can be considered under these rules, and then we can rise and report progress and our recommendations to the house.

Mr. Lord of Manchester—My motion was made simply because the brightest minds in this Convention did not seem to know where they are at. If they have found out I will withdraw my motion.

(Motion withdrawn.)

Mr. Lyford of Concord—Before this discussion the gentleman from Stratham, Mr. Wingate, had an amendment which he desired to offer to article five, with reference to which the gentleman from Littleton offered a suggestion. I made a motion, which I understood the chair allowed by unanimous consent, that we should return to article five, for the purpose of amendment. Is that amendment pending now?

The Chairman—Article five is before the committee for amendment. Is there any amendment to be offered?

Mr. Wingate of Stratham—I made the motion I did, supposing it was necessary to make it this afternoon, since which time the gentleman from Littleton, Mr. Aldrich, has suggested an alteration, and I have accepted it by changing the word “citizen” to the word “inhabitant” or “one.” I am certainly very anxious to have the word “subject” taken out of our Constitution. When the Constitution was first passed we had just come out from under the rule of George the Third, and the word “subject” was a familiar term at that time.

In the office which I have held, the distinction has been made. Americans have come to me and told me that they were Americans and then it was not necessary for me to in-

investigate. I knew that they were citizens of the United States, but if they came to me and said that they were American subjects I always had occasion to inquire where they did come from. If the word "one" or "person," suggested by the gentleman from Littleton, Mr. Aldrich, is the correct word to put in that place, I accept that amendment with pleasure.

Mr. Aldrich of Littleton—I do not want to take anything out of the hands of the gentleman from Stratham, but I think it would be better to have the section read as follows: "Every individual has the natural and unalienable right to worship God according to the dictates of his own conscience and reason, and no citizen [or person, or one] shall be hurt," etc. I think the words "person" or "one" would be better in that connection than "citizen."

Mr. Wingate of Stratham—That is entirely agreeable to me.

Mr. Aldrich of Littleton—Then I think it better be disposed of now while the section is under consideration.

Mr. Fuller of Exeter—Does the amendment change the sense? I don't see that it would make any difference whether the word "subject" is used in that connection or one of the others.

Mr. Aldrich of Littleton—The objection of the gentleman from Stratham is largely founded on taste and many people hold the same view. No American is a subject. They are all sovereigns and kings.

Mr. Wingate of Stratham—As the Romans said,—if I pronounce my Latin right,—*Cives Romanus sum*.

(The following resolution introduced by Mr. Wingate of Stratham is passed.)

*Resolved*, That the word "subject," in line three of article five of the Bill of Rights, be stricken out, and the word "one" be inserted in place thereof.

Articles twelve, thirteen, and fourteen read by the clerk.

Mr. Wingate of Stratham—The word "subject" comes in article fourteenth and the word "one," I think, would not be correct in that place. Some other word ought to be inserted.

Mr. Lyford of Concord—That has already been brought to my attention by a gentleman nearby, and it will take perhaps a little time to adjust it. I therefore move, Mr. Chairman, that the committee do now rise and report progress and ask leave to sit again.

(Motion prevailed.)

In Convention.

(The President in the chair.)

On rising the Committee of the Whole, through its chairman, Mr. Cross of Manchester, reported to the Convention that the Committee of the Whole had been in session and had instructed him to report that some considerable work had been done and asked leave to sit again.

No objection being made, such leave was granted.

Mr. Barton of Newport introduced the following resolution:

*Resolved*, That part second, article nine of the Constitution, be amended by striking out the words "eighteen hundred," in the eighth line of said article and inserting in place thereof the words "twenty-six hundred;" and by striking out the words "twelve hundred," in the tenth line of said section, and inserting in place thereof the words "two thousand," so that said section, as amended, shall read:

ART. 9. There shall be, in the legislature of this state, a representation of the people, biennially elected, and founded upon principles of equality, and, in order that such representation may be as equal as circumstances will admit, every town, or place entitled to town privileges, and wards of cities having six hundred inhabitants by the last general census of the state, taken by authority of the United States or of this state, may elect one representative; if twenty-six hundred such inhabitants may elect two representatives; and so proceeding in that proportion, making two thousand such inhabitants the mean increasing number for any additional representative; *provided*, that no town shall be divided or the boundaries of the wards of any city so altered as to increase the number of representatives to which such town or city may be entitled by the next preceding census; *and provided further*, that, to those towns and cities which since the last census have been divided or had their boundaries or ward lines changed, the general court in session next before these amendments shall take effect shall equitably apportion representation in such manner that the number shall not be greater than it would have been had no such division or alteration been made.

On motion of the same gentleman, the resolution was laid upon the table to be printed, and to be considered with the other resolutions on the same subject as a part of the special order at the forenoon session of Thursday, December 4.

The Special Committee, to whom was referred the petition of Felix G. Harbour and others, representing that the petitioners were entitled, and that Herman Greager, Joseph G. Plante, Joseph Richer, and Eugene Quirin were not legally entitled to seats in this Convention, reported the said petition with the following recommendation:

That the petitioners have leave to withdraw, and that said Herman Greager, Joseph G. Plante, Joseph Richer, and Eugene Quirin be declared duly qualified members of this Con-

vention, legally elected as delegates from the ninth ward in the city of Manchester, and be seated accordingly.

The facts of the case are undisputed, and the petitioners admit that said Greager, Plante, Richer, and Quirin were legally elected as delegates to this Convention, unless their election is invalidated by the fact that the certificate of nomination of said Greager, Plante, Richer, and Quirin, as nominees of a caucus of a political party, was filed with the secretary of state one hour and fifteen minutes after the expiration of the time limited by statute for the filing of such certificates of nomination.

The nomination was regular, and the omission to file the certificate seasonably was the result of accident or of neglect on the part of some person other than the nominees. By direction of the ballot law commissioners, the secretary of state placed the names of the nominees on the official ballots, and no other ballots were provided or used at the election in said ward.

The petitioners received some votes at said election; and if the votes cast for said Greager, Plante, Richer, and Quirin be rejected and those cast for petitioners be counted, the petitioners would be entitled to seats in this Convention.

Your committee are of the opinion that the law limiting the term within which certificates of nomination shall be filed with the secretary of state is directory, and the secretary of state was acting properly under the law in placing on the official ballot the names of the acting members, that they were legally voted for and elected, and are entitled to their seats in this Convention.

ARTHUR O. FULLER,  
*For the Committee.*

On motion of Mr. Kent of Lancaster, the report of the committee was accepted, the recommendations adopted, and the persons therein named were declared duly elected members of this Convention.

The committee to whom was committed the matter of in-

specting the ballots cast for Philip Riley and Nelson W. Paige as contesting candidates, in ward ten of the city of Manchester, for the position of delegate to this Convention from said ward, reported that they had attended to their duties and respectfully reported as follows:

The number of ballots cast for said candidates was seven hundred and fourteen (714).

Of which number

Philip Riley had three hundred and fifty-six (356),

And Nelson W. Paige had three hundred and fifty-eight (358).

EDWARD E. PARKER,  
*Chairman of Committee.*

On motion of Mr. Harvey of Manchester, the report was accepted.

On motion of Mr. Sanborn of Wakefield, the Convention adjourned.

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THURSDAY, DECEMBER 4, 1902.

The Convention met according to adjournment.

(The President in the chair.)

Prayer was offered by Rev. Mr. Reed of Concord.

The reading of the journal having been commenced, on motion of Mr. Chase of Bristol, the rules were so far suspended that the further reading of the journal was dispensed with.

Mr. Little of Manchester announced that Chaplain Burton W. Lockhart would be unable to perform his duties during the present week, and on motion of Mr. Briggs of Manchester, the President was authorized to supply the vacancy for the remainder of the week.



The President announced the following standing committees:

BILL OF RIGHTS AND EXECUTIVE DEPARTMENT.

Mr. Aldrich of Littleton.  
Mr. Briggs of Manchester.  
Mr. Drew of Lancaster.  
Mr. Bales of Wilton.  
Mr. Fuller of Exeter.  
Mr. Chase of Kingston.  
Mr. Meader of Rochester.  
Mr. Busiel of Laconia.  
Mr. Rogers of Tilton.  
Mr. Clow of Wolfeborough.  
Mr. Kimball of Concord.  
Mr. Sanborn of Franklin.  
Mr. Buxton of Boscawen.  
Mr. Woodbury of Bedford.  
Mr. Madden of Keene.  
Mr. Stone of Troy.  
Mr. Colby of Claremont.  
Mr. Bradley of Newport.  
Mr. Morris of Lisbon.  
Mr. Evans of Gorham.

LEGISLATIVE DEPARTMENT.

Mr. Cross of Manchester.  
Mr. Sanborn of Wakefield.  
Mr. Lyford of Concord.  
Mr. Mitchell of Concord.  
Mr. Howard of Portsmouth.  
Mr. Healey of Raymond.  
Mr. Cochran of Rochester.  
Mr. Jewett of Laconia.  
Mr. Coldbath of Barnstead.  
Mr. Truesdell of Pembroke.  
Mr. Hadley of Temple.

Mr. Peavey of Greenfield.  
 Mr. Quirin (Joseph) of Manchester.  
 Mr. Rugg of Sullivan.  
 Mr. Mitchell of Acworth.  
 Mr. Richardson of Canaan.  
 Mr. Woodbury of Woodstock.  
 Mr. Parker of Franconia.  
 Mr. Philbrook of Shelburne.  
 Mr. LaPlante of Berlin.

JUDICIAL DEPARTMENT.

Mr. Blodgett of Franklin.  
 Mr. Walker of Concord.  
 Mr. Parker of Nashua.  
 Mr. Adams of Portsmouth.  
 Mr. Follansby of Exeter.  
 Mr. Gunnison of Rochester.  
 Mr. Fellows of Tilton.  
 Mr. Thompson of Laconia.  
 Mr. Coleman of Brookfield.  
 Mr. Dudley of Concord.  
 Mr. Hamblett of Nashua.  
 Mr. Smith of Hillsborough.  
 Mr. Little of Manchester.  
 Mr. Annett of Jaffrey.  
 Mr. Taft of Keene.  
 Mr. Barton of Newport.  
 Mr. Way of Claremont.  
 Mr. Westgate of Haverhill.  
 Mr. Colby of Hanover.  
 Mr. Daley of Berlin.

ON FUTURE MODE OF AMENDING THE CONSTITUTION AND  
 OTHER PROPOSED AMENDMENTS.

Mr. Eastman of Exeter.  
 Mr. Tenney of Claremont.

Mr. Rotch of Milford.  
 Mr. Norris of Portsmouth.  
 Mr. Moulton of Dover.  
 Mr. Lewis of Laconia.  
 Mr. Smith of New Hampton.  
 Mr. Rideout of Bartlett.  
 Mr. Baker of Bow.  
 Mr. Leach of Franklin.  
 Mr. Howe of Concord.  
 Mr. Jones of Manchester.  
 Mr. Hunt of Manchester.  
 Mr. Spaulding of Walpole.  
 Mr. Pierce of Winchester.  
 Mr. Greene of Littleton.  
 Mr. Pike of Haverhill.  
 Mr. Russell of Plymouth.  
 Mr. Wight of Berlin.  
 Mr. Paine of Berlin.

ON TIME AND MODE OF SUBMITTING TO THE PEOPLE THE  
 AMENDMENTS AGREED TO BY THE CONVENTION.

Mr. Chandler of Concord.  
 Mr. Gilmore of Manchester.  
 Mr. Shute of Wentworth.  
 Mr. Wetherell of Exeter.  
 Mr. Sanders of Derry.  
 Mr. Edgerly of Somersworth.  
 Mr. Nute of Dover.  
 Mr. Cogswell of Gilmanton.  
 Mr. Dearborn of Eaton.  
 Mr. Niles of Concord.  
 Mr. Hollis of Concord.  
 Mr. Chase of Bristol.  
 Mr. Wason of Nashua.  
 Mr. Holman of Hillsborough.  
 Mr. Woodward of Keene.  
 Mr. Newell of Keene.

Mr. Richards of Newport.

Mr. Bartlett of Sunapee.

Mr. Dole of Lebanon.

Mr. Johnson of Colebrook.

Mr. Thompson of Warner offered the following proposed amendment to the Constitution:

*Resolved*, That the word "male" be stricken from article twenty-seven, part second of the Constitution.

On motion of the same gentleman, the resolution was ordered printed and laid upon the table until the article to which the proposed amendment related was reached by the Convention.

Mr. Niles of Concord submitted the following proposed amendment to the Constitution:

That article six of the Bill of Rights be amended as follows:

Strike out the word "evangelical" and insert in place thereof the word "Christian."

Strike out the word "towns" wherever it appears in said article.

Strike out the word "Protestant."

Strike out the words "every denomination of Christians," and insert in place thereof the words "all persons."

On motion of the same gentleman, the resolution was laid upon the table to be printed, and the same was referred to the Committee on Bill of Rights and Executive Department.

The following resolution was introduced by Mr. Fuller of Exeter:

*Resolved*, That article seventy of part second of the Constitution be amended by striking out the word "solicitors," and that the following article be added to the Constitution:

The county solicitors shall be appointed by the judges of

the superior court, and shall hold office for a term of five years. They shall be subject to removal at any time by the judges of the superior court on the ground of physical or mental disability, or for cause shown, after due notice and hearing. Vacancies occurring by reason of the removal, death, resignation, or expiration of the term of office of any solicitor shall be filled in like manner, the persons so appointed to hold office for a term of five years from the date of their appointment. The judges of the superior court shall have power to make all necessary rules for carrying into effect the provisions of this article. The first appointments under this article shall be made to take effect on the first day of January following its adoption.

It shall be the duty of the legislature to provide for the county solicitors such reasonable salaries as shall suffice to secure the services of men qualified to perform the duties of the office.

On motion of the same gentleman, the resolution was referred to the Committee on the Judicial Department and ordered printed.

The following resolution was introduced by Mr. Aldrich of Littleton:

*Resolved*, That article twenty-five, part two of the Constitution be amended by striking out the words "twenty-four" and inserting in place thereof the word "forty," so that the same shall read:

The senate shall consist of forty members, who shall hold their office for two years, from the first Wednesday of January next ensuing their election.

And article twenty-six, part two, be amended by striking from the third line the words "twenty-four," and inserting the word "forty."

On motion of the same gentleman, the proposed amendment was laid upon the table, to be included in the special order for 11 o'clock in the forenoon.

The following resolution was introduced by Mr. Morris of Lisbon:

*Resolved*, That article seventy-seven, part two of the Constitution be amended by the addition of the following words:

“ And the general court are further empowered to give to police courts original jurisdiction to try and determine, subject to right of appeal and trial by jury, all criminal causes wherein the punishment is less than imprisonment in the state prison.” So that when amended said section shall read:

The general court are empowered to give to justices of the peace jurisdiction in civil causes, when the damages demanded shall not exceed one hundred dollars, and title of real estate is not concerned, but with right of appeal to either party to some other court. And the general court are further empowered to give to police courts original jurisdiction to try and determine, subject to right of appeal and trial by jury, all criminal causes wherein the punishment is less than imprisonment in the state prison.

The same gentleman moved that the resolution be printed and referred to the appropriate committee. The motion prevailed and the resolution was referred to the Committee on the Legislative Department.

The following proposed amendment to the Constitution was introduced by Mr. Thompson of Warner:

*Resolved*, That the following words be stricken from article nine, part second, *viz.*: “ if eighteen hundred such inhabitants may elect two representatives, and so proceeding in that proportion, making twelve hundred such inhabitants the mean increasing number for any additional representative.” And that in place of the words stricken out, the following words be substituted, *viz.*: if thirty-six hundred such inhabitants may elect two representatives, and so proceeding in that proportion, making three thousand such inhabitants the mean increasing number for any additional representative.

On motion of the same gentleman, it was ordered that the resolution lie upon the table, to be taken up and considered under the special order for 11 o'clock in the forenoon.

The following proposed amendment to the Constitution was offered by Mr. Baker of Bow:

Amend article two, part second of the Constitution, under title of The General Court, so it shall read as follows:

ART. 2. The supreme legislative power within this state shall be vested in a senate, which shall not exceed fifty, and a house of representatives, which shall not exceed one hundred and fifty members, and the senate and house shall have a negative on each other.

On motion of the same gentleman, the resolution was laid upon the table to be printed, and to remain subject to the general order.

The following proposed amendment to the Constitution was offered by Mr. Baker of Bow:

Amend part second of the Constitution, title Senate, by striking out all of articles twenty-four and twenty-five and inserting as follows:

ART. 24. The number of members who compose the senate shall be prescribed by law, but shall never exceed one member for every ten thousand, nor be less than one member for every twenty thousand inhabitants, and shall be apportioned equally throughout the different sections of the state in proportion to the population thereof.

On motion of the same gentleman, the resolution was ordered printed and laid on the table subject to the general order.

The following resolution was introduced by Mr. Sloane of Haverhill:

*Resolved*, That article seventy of part second of the Constitution be amended by striking out the word "sheriffs," and that the following article be added to the Constitution:

The sheriffs shall be appointed by the judges of the superior court, and shall hold office for a term of five years. They shall be subject to removal at any time by the judges of the superior court on the ground of physical or mental disability, or for cause shown, after due notice and hearing. Vacancies occurring by reason of the removal, death, resignation or expiration of the term of office of any solicitor shall be filled in like manner, the persons so appointed to hold office for a term of five years from the date of their appointment.

No deputy sheriffs shall be appointed until their names have been submitted to and approved by the judges of the superior court.

The judges of the superior court shall have power to make all necessary rules for carrying into effect the provisions of this article.

The first appointments under this article shall be made to take effect on the first day of January following its adoption.

The same gentleman moved that the foregoing resolution be ordered printed and referred to the appropriate committee. Declared lost on a *viva voce* vote. Mr. Collins of Portsmouth moved to lay the resolution upon the table. Upon the former question, Mr. Sloane of Haverhill called for a division. This motion was ruled out of order.

By request the resolution was given a second reading.

Question, upon the motion to lay upon the table.

Mr. Sloane moved to amend the motion, but was declared out of order.

Mr. Collins of Portsmouth withdrew his motion to lay upon the table, and the motion to print and refer to the proper committee being renewed, the affirmative prevailed and the



resolution was referred to the Committee on the Judicial Department.

The following proposed amendment to the Constitution was offered by Mr. Wingate of Stratham:

Amend article thirty-two, in the second part of the Constitution, by striking out the last clause thereof, beginning with the words "provided, nevertheless."

The same gentleman moved that the resolution be referred to the proper committee and printed. The motion prevailed, and the resolution was referred to the Committee on the Legislative Department.

The following proposed amendment to the Constitution was offered by Mr. Lamprey of Concord:

Amend by striking out all of articles nine and ten of part second of the Constitution, and insert in lieu thereof the following, *viz.*:

ART. 9. There shall be in the legislature of this state a representation of the people biennially elected. The number of members who compose the house of representatives shall be prescribed by law, but shall never exceed one member for every two thousand five hundred inhabitants. The representation shall be equally apportioned throughout the state in proportion to the population thereof.

On motion of the same gentleman, the resolution was ordered printed and laid upon the table subject to the general order.

The following resolution was introduced by Mr. Scott of Peterborough:

*Resolved*, That article nine of the Constitution of the state of New Hampshire be amended by striking out the words "eighteen hundred," in the eighth line of said article, and

inserting in place thereof the words "thirty-six hundred," and by striking out the words "twelve hundred," in the tenth line, and inserting the words "three thousand," so that said article, when amended, shall read:

ART. 9. There shall be, in the legislature of this state, a representation of the people, biennially elected, and founded upon principles of equality, and, in order that such representation may be as equal as circumstances will admit, every town, or place entitled to town privileges, and wards of cities having six hundred inhabitants by the last general census of the state, taken by authority of the United States or of this state, may elect one representative; if thirty-six hundred such inhabitants, may elect two representatives; and so proceeding in that proportion, making three thousand such inhabitants the mean increasing number for any additional representative; *provided*, that no town shall be divided or the boundaries of the wards of any city so altered as to increase the number of representatives to which such town or city may be entitled by the next preceding census; *and provided further*, that, to those towns and cities which since the last census have been divided or had their boundaries or ward lines changed, the general court in session next before these amendments shall take effect shall equitably apportion representation in such manner that the number shall not be greater than it would have been had no such division or alteration been made.

On motion of the same gentleman, the resolution was laid upon the table, to be taken up as part of the special order for 11 o'clock in the forenoon.

The following proposed amendment to the Constitution was offered by Mr. Baker of Bow:

Amend articles nine and ten of part second of the Constitution, under title of House of Representatives, by striking out the words "six hundred" wherever they occur, and in-

serting the words "twelve hundred;" the words "eighteen hundred," wherever they occur, and inserting the words "thirty-six hundred," and the words "twelve hundred," wherever they occur, and inserting the words "twenty-four hundred," so that they shall read as follows:

ART. 9. There shall be, in the legislature of this state, a representation of the people, biennially elected, and founded upon principles of equality, and, in order that such representation may be as equal as circumstances will admit, every town, or place entitled to town privileges, and wards of cities having twelve hundred inhabitants by the last general census of the state, taken by authority of the United States, or of this state, may elect one representative; if thirty-six hundred such inhabitants, may elect two representatives; and so proceeding in that proportion, making twenty-four hundred such inhabitants the mean increasing number for any additional representative; *provided*, that no town shall be divided, or the boundaries of the wards of any city so altered as to increase the number of representatives to which such town or city may be entitled by the next preceding census; *and provided*, *further*, that, to those towns and cities which since the last census have been divided, or had their boundaries or ward lines changed, the general court, in session next before these amendments shall take effect, shall equitably apportion representation in such manner that the number shall not be greater than it would have been had no such division or alteration been made.

ART. 10. Whenever any town, place, or city ward shall have less than twelve hundred such inhabitants, the general court shall authorize such town, place, or ward to elect and send to the general court a representative such proportionate part of the time as the number of its inhabitants shall bear to twelve hundred; but the general court shall not authorize any such town, place, or ward to elect and send such representative, except as herein provided.

On motion of the same gentleman, the resolution was laid

on the table.

upon the table to be printed, and to be taken up with the special order for 11 o'clock in the forenoon.

The following resolution was introduced by Mr. Niles of Concord:

*Resolved*, That the Constitution be amended by the addition of the following article:

The supreme and superior courts, as now established by law, are hereby made permanent. The duties and powers of the courts may, from time to time, be varied in a manner not inconsistent with any other part of the Constitution; *provided*, that the supreme court shall continue to exercise the functions of a court of appeals on questions of law, and shall never act as a trial court, and that the superior court shall continue to be a trial court, exercising like functions to those with which it is now charged by law.

The legislature may, from time to time, increase the membership of either court, and may change the salaries and emoluments of the judges; but no act of the legislature shall have the effect, directly or indirectly, of decreasing the salary or emoluments of any judge, during the term of office for which he has been appointed, or to shorten his term of office, except as hereinafter provided.

The judges of the supreme and superior courts shall be subject to removal from office only by impeachment for bribery, corruption, malpractice, or maladministration in office, or by address on the ground of physical or mental disability to perform the duties of their office.

On motion of the same gentleman, the resolution was ordered printed and referred to appropriate committee. Referred to Committee on the Judicial Department.

The following proposed amendment to the Constitution was introduced by Mr. Chandler of Concord:

Add, at the end of article eighty-two, the following:

The railroad companies, both steam and electric, are public corporations, in aid of which the state has exercised its right of eminent domain, by authorizing the taking of private lands for the public use, compensation being made therefor.

All railroads are therefore public highways, upon which all citizens are entitled to equality of right and privilege. It shall be the duty of the legislature to pass laws to enforce such equality, and, especially, to prohibit free transportation for public officers, or for any other persons, except those directly employed in the operation of railroads.

The legislature shall also promote the extension of the railroad system of the state, by granting charters for additional roads, upon just conditions, and without unreasonable restrictions.

On motion of the same gentleman, the resolution was laid upon the table to be printed.

The following proposed amendment to the Constitution was introduced by Mr. Chandler of Concord:

No person, association, co-partnership, or corporation, shall promise, offer, or give, for any purpose, to any political committee, or any member or employee thereof, to any candidate for, or incumbent of, any office or position under the Constitution or laws, or under any ordinance of any town or municipality of this state, or to any person at the request or for the advantage of all, or any of them, any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication. No political committee, and no member or employee thereof, no candidate for, and no incumbent of any office or position under the Constitution or laws, or under any ordinance of any town or municipality of this state, shall ask for, or accept, from any person, association, co-partnership, or corporation, or use, in any manner, or for any purpose, any free pass or frank, or any privilege withheld from any person, for the

traveling accommodation or transportation of any person or property, or the transmission of any message or communication. Any violation of any of the above provisions shall be bribery and be punished as provided by law, and if any officer or any member of the legislature be guilty thereof, his office shall become vacant. No person within the purview of this act shall be privileged from testifying in relation to anything therein prohibited; and no person having so testified shall be liable to any prosecution or punishment for any offense concerning which he was required to give his testimony or produce any documentary evidence. The railroad commissioners, in the discharge of duty, are excepted from the provisions of this clause.

On motion of the same gentleman, the resolution was laid on the table to be printed.

The time having arrived for the consideration of the special order of the day, Mr. Baker of Bow moved that the Convention resolve itself into a Committee of the Whole and that the several proposed amendments to the Constitution included in the special order for 11 o'clock in the forenoon be taken from the table and referred to the committee. The motion prevailed, and the Convention resolved itself into Committee of the Whole.

In Committee of the Whole.

(Mr. Aldrich of Littleton in the chair.)

The Chairman—Gentlemen, you are in the Committee of the Whole and the Chair awaits the pleasure of the committee.

Mr. Woodbury of Woodstock—Mr. Chairman and Gentlemen of the committee, it is not my purpose, nor, perhaps, my place, to discuss at this time the proposition which I introduced here yesterday. I am well aware that there are others here better able to discuss this question, and for that reason the discussion will be left to men of legislative experience.

I am simply going to present to you, gentlemen of the committee, my views in regard to the matter. I am not going to present them, thinking or believing that they are the only good ones that can be offered. There have been several propositions made in regard to amending the Constitution which look to a reduction of the house of representatives, and, of course, this Convention is called for the purpose of bringing out the different ideas of the people.

It is a foregone conclusion that the legislature of the state of New Hampshire is too large by a good many, and I have prepared, at the request of my constituency, a resolution which was read yesterday in the Convention and referred to this Committee of the Whole. I have gone over the matter in regard to the number of representatives that this resolution would authorize elected, provided it was adopted by the Convention and ratified by the vote of the people.

I am in favor, as far as it is possible, of retaining the town representation, and I think the better way to do that is upon a basis of the voters rather than inhabitants. Perhaps some of the gentlemen of the committee may think that the town I come from has 165 voters, but that is not a fact, as you will readily see by looking up the gubernatorial vote which was cast at the last election. We cast 136 votes at that time.

I do not believe, gentlemen of the committee, that the rural towns of the state of New Hampshire want to be bunched together into different districts. I believe that a large per cent. of the rural towns want to send one of their own men as representatives, if it is not more than once in two or three sessions; they prefer to do that rather than to be bunched together in a district. For this reason I have proposed this resolution, which bases the representation upon the legal voters of the state, and not upon the population, as is done now. This is a fair proposition for the town and also a fair proposition for the city. The city will get its share of representation and be on an equal footing with the town.

I am not going to detain you on this part except to read to you some figures I have made. I do not claim they are

strictly correct, but they are somewhere near what would be the result if this resolution was adopted by the Convention and ratified.

Rockingham county would have 34 representatives; Strafford, 23; Belknap, 14; Carroll, 17; Merrimack, 39; Hillsborough, 52; Cheshire, 18; Sullivan, 13; Grafton, 30; Coös, 22; making in all 262, based upon the vote of the state at the last election; providing, however, that the legislature pro-rates the towns equally; or, in other words, pro-rates one half of the towns for one session and the other one half for the next session of the legislature. And, of course, the legislature of the state would pro-rate, having in view the justice of the case, and would naturally pro-rate half of the towns each year and would regulate its membership according to the towns that would have to be pro-rated.

The cities would have a representation as follows: These figures, gentlemen of the committee, may not be exactly correct, but they are somewhere near. Perhaps some cities might have one or two more representatives than I have figured out. Portsmouth would have 6; Dover, 5; Rochester, 6; Somersworth, 5; Laconia, 4; Concord, 10; Franklin, 3; Manchester, 17; Nashua, 10; Keene, 5; Berlin, 3; making 74 representatives from our cities. The large towns like Exeter, Claremont, Lebanon, Littleton, and Lancaster, would have two representatives each.

I think, gentlemen of the committee, that I have made my position plain and I trust now you may have some grounds on which to discuss my proposition, either favorably or unfavorably.

(Mr. Lyford of Concord called for the reading of the proposed amendment, offered by Mr. Woodbury, and the same was read by the clerk.)

Mr. Lyford of Concord—I ask that the clerk read the resolution offered by me yesterday.

(Clerk reads as follows:)



Resolution offered by Mr. Lyford of Concord:

*Resolved*, That the Constitution be so amended that the house of representatives shall consist of three hundred members, which shall be apportioned by the legislature, at the first session after a United States census, to the several counties of the state, equally, as nearly as may be, according to their population as ascertained at the next preceding United States census. The county commissioners in each county,—or in lieu of the county commissioners in each county, such board of special commissioners in each county, to be elected by the people of the county, as may for that purpose be provided by law,—shall on the first Tuesday of June next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representatives assigned to each county, equally, as nearly as may be, according to the relative population in the several districts of each county, and such districts shall be so formed that no town or ward shall be divided therefor. Districts may be formed for one or more representatives as the contiguity of territory or the physical and social relations of the towns or wards may warrant. The legislature at the next session after such division of the counties into representative districts may, upon appeal by a town or ward, examine the classification of that town or ward, and change the district lines of that county in accordance with the provisions of this article if it shall appear that injustice has been done.

Mr. Chairman—In the same spirit that the gentleman from Woodstock has approached this subject, I approach it—that of inquiry—and the only argument I shall offer to you to-day in support of the resolution I have presented will be the argument shown by the facts.

I began figuring on this question with an endeavor to preserve the town system. In the Convention of 1876, I voted

for that system and against the district system. Confronted with the facts, as my tables show them, I am convinced that the town system is only a question of time, and a very brief time at that.

When we build or amend Constitutions, we do so with reference to their permanency. Constitutions are not like statutes, that can be amended at the next session of the legislature, or, if trouble comes, at a special session of the legislature. We should endeavor, in amending this Constitution, to build for permanency, as the founders did in their day. They could not foresee the conditions that exist at this time, any more than we can foresee the conditions that will exist one hundred years hence. In considering this subject, if we do not present a plan which lasts more than ten, fifteen, or twenty years, we shall deserve to have that plan rejected by the people.

We are sent here to submit a plan to the people. As their representatives, or delegates, we are not to inquire wholly what the people will ratify. We are not in a position of the people submitting to us a proposition that we approve, but of submitting to them what we, in our collective wisdom, approve. No plan that we may agree upon will suit everybody in all its details.

Let us now consider the town system. If we preserve it, there is no possibility of limiting the membership of the house. You may fix it at 300 to-day, and the next census with an increase of population is bound to increase that membership. So the question of limitation upon the basis of the town system may be dismissed at once.

If you vote to preserve under any plan the town system, your work becomes merely a temporary expedient. There can be no material reduction of the house under the town system that is likely to be acceptable to the people of the state. Various plans have been presented here and others will be, but you cannot present a plan that is likely to be adopted unless it represents the approbation on the one hand of the small towns, and on the other hand the large towns and cities of the state.

In the legislature of 1901 we had a representation of 397. The coming house has a representation of 393. It is not material, therefore, which house we take for comparison. Of these 397 representatives, 203 were from wards and towns which have more than one representative; 146 were from towns having one representative, and 48 from pro-rated towns. Any plan which seeks to make the reduction wholly in the large towns and cities must of necessity fail, because the large towns and cities have to-day unequal representation, for it takes 600 inhabitants for the first representative and 1,200 additional population for each representative after the first. I submit the following tables for your consideration.

**Table No. 1, showing population of towns and representation thereof on the following bases:**

- 600 for first and 1,200 for additional.
- 700 for first and 1,300 for additional.
- 700 for first and 1,400 for additional.
- 800 for first and 1,400 for additional.
- 800 for first and 1,600 for additional.
- 900 for first and 1,800 for additional.

## ROCKINGHAM COUNTY.

TOWNS.	Population.	800 and 1,200.	700 and 1,300.	700 and 1,400.	800 and 1,400.	800 and 1,600.	900 and 1,600.
Atkinson.....							
Auburn.....							
Brentwood.....							
Candia.....							
Chester.....							
Danville.....							
Deerfield.....							
Derry.....							
East Kingston.....							
Epping.....							
Exeter.....							
Fremont.....							
Greenland.....							
Hampstead.....							
Hampton.....							
Hampton Falls.....							
Kensington.....							
Kingston.....							
Londonderry.....							
Newcastle.....							
Newfields.....							
Newington.....							
Newmarket.....							
Newton.....							
North Hampton.....							
Northwood.....							
Nottingham.....							
Plaistow.....							
Portsmouth, 10,687:							
Ward 1.....							
Ward 2.....							
Ward 3.....							
Ward 4.....							
Ward 5.....							
Raymond.....							
Rye.....							
Salem.....							
Sandown.....							
Seabrook.....							
South Hampton.....							
Stratham.....							
Windham.....							
Total.....							

Present basis, 8 towns  
700 and 1,400, 14 towns pro-rated; 806 and 1  
800 and 1,600, 16 towns pro-rated; 900 and 1

towns pro-rated;  
16 towns pro-rated;  
19 towns pro-rated.

**STRAFFORD COUNTY.**[illegible]

Present basis, 3 towns pro-rated; 700 and 1,300, 4 towns pro-rated; 700 and 1,400, 4 towns pro-rated; 800 and 1,400, 4 towns pro-rated; 800 and 1,600, 4 towns pro-rated; 900 and 1,800, 4 towns pro-rated.



CARROLL COUNTY.

✓

$\frac{1}{4}$

$\frac{1}{8}$

$\frac{1}{2}$

1

10

Present basis, 7 towns pro-rated; 700 and 1,300, 10 towns pro-rated;  
700 and 1,400, 10 towns pro-rated; 800 and 1,400, 10 towns pro-rated,  
800 and 1,600, 10 towns pro-rated; 900 and 1,800, 10 towns pro-rated.

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**MERRIMACK COUNTY.**

[illegible]

Present basis, 4 towns pro-rated; 700 and 1,300, 9 towns pro-rated; 700 and 1,400, 9 towns pro-rated; 800 and 1,400, 12 towns pro-rated; 800 and 1,600, 12 towns pro-rated; 900 and 1,800, 14 towns pro-rated.



HILLSBOROUGH COUNTY.

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Present basis, 7 towns pro-rated; 700 and 1,300, 12 towns pro-rated;  
700 and 1,400, 13 towns pro-rated; 800 and 1,400, 13 towns pro-rated;  
800 and 1,600, 13 towns pro-rated; 900 and 1,600, 14 towns pro-rated.

CHESHIRE COUNTY.

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1890

1891

1892

1893

1894

1895

1896

1897

1898

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Present basis, 8 towns pro-rated; 700 and 1,300, 9 towns pro-rated;  
 700 and 1,400, 9 towns pro-rated; 800 and 1,400, 11 towns pro-rated;  
 800 and 1,600, 11 towns pro-rated; 900 and 1,800, 13 towns pro-rated.

**SULLIVAN COUNTY.**

100

Present basis, 9 towns pro-rated; 700 and 1,300, 9 towns pro-rated; 700 and 1,400, 9 towns pro-rated; 800 and 1,400, 9 towns pro-rated; 800 and 1,600, 9 towns pro-rated; 900 and 1,800, 9 towns pro-rated.

## GRAFTON COUNTY.

TOWNS.	Population.	600 and 1,200.	700 and 1,300.	700 and 1,400.	1000 and 1,400.	800 and 1,600.	900 and 1,800.
Alexandria.....	680	1	..	..	..	..	..
Ashland.....	1,269	1	1	1	1	1	1
Bath.....	1,006	1	1	1	1	1	1
Benton.....	209	..	..	..	..	..	..
Bethlehem.....	1,261	1	1	1	1	1	1
Bridgewater.....	244	..	..	..	..	..	..
Bristol.....	1,600	1	1	1	1	1	1
Campton.....	999	1	1	1	1	1	1
Canaan.....	1,444	1	1	1	1	1	1
Dorchester.....	..	..	..	..	..	..	..
Easton.....	249	..	..	..	..	..	..
Ellsworth.....	1177	..	..	..	..	..	..
Eufield.....	1,845	2	1	1	1	1	1
Franconia.....	655	1	..	..	..	..	..
Grafton.....	748	1	1	1	..	..	..
Groton.....	346	..	..	..	..	..	..
Hanover.....	1,864	2	1	1	1	1	1
Haverhill.....	3,414	1	3	2	2	2	2
Hebron.....	214	..	..	..	..	..	..
Holderness.....	662	1	..	..	..	..	..
Landaff.....	500	..	..	..	..	..	..
Lebanon.....	4,065	1	1	4	3	3	3
Lincoln.....	541	..	..	..	..	..	..
Liabon.....	2,221	2	2	2	2	1	1
Littleton.....	4,066	1	3	3	1	3	2
Livermore.....	191	..	..	..	..	..	..
Lyman.....	472	..	..	..	..	..	..
Lyme.....	1,080	1	1	1	1	1	1
Monroe.....	545	..	..	..	..	..	..
Orange.....	218	..	..	..	..	..	..
Orford.....	553	1	1	1	1	1	..
Piermont.....	637	1	..	..	..	..	..
Plymouth.....	1,972	2	1	1	1	1	1
Rumney.....	537	1	1	1	1	1	..
Thornton.....	552	..	..	..	..	..	..
Warren.....	799	1	1	1	..	..	..
Waterville.....	50	..	..	..	..	..	..
Wentworth.....	617	1	..	..	..	..	..
Woodstock.....	132	1	..	..	..	..	..
Total.....	40,844	35	26	25	23	21	18

Present basis,  $\frac{1}{2}$  700 and 1,300, 21 towns pro-rated;  
 700 and 1,400, 21 towns pro-rated; 800 and 1,400, 23 towns pro-rated;  
 800 and 1,600, 23 towns pro-rated; 900 and 1,800, 25 towns pro-rated.

## COÖS COUNTY.

A 10x10 grid of 100 small squares, each containing a number from 1 to 100 in a random order. The grid is used for a probability experiment.

Present basis, 7 towns pro-rated; 700 and 1,800, 9 towns pro-rated; 700 and 1,400, 9 towns pro-rated; 800 and 1,400, 11 towns pro-rated; 800 and 1,600, 11 towns pro-rated; 900 and 1,800, 11 towns pro-rated.

## SUMMARY BY COUNTIES.

COUNTIES.	600 and 1,200.	700 and 1,300.	700 and 1,400.	800 and 1,400.	800 and 1,600.	900 and 1,800.
Belknap.....	17	14	14	14	13	11
Carroll.....	14	10	10	10	9	9
Cheshire.....	26	21	21	19	18	14
Coös.....	26	20	19	16	16	15
Grafton.....	35	26	25	22	21	18
Hillsborough.....	96	82	77	77	68	61
Merrimack.....	47	37	36	31	29	26
Rockingham.....	44	36	36	31	31	27
Strafford.....	32	29	29	29	24	24
Sullivan.....	12	11	11	11	10	10
Total .....	349	286	277	260	239	215

## Number of towns pro-rated:

COUNTIES.	600 and 1,200.	700 and 1,300.	700 and 1,400.	800 and 1,400.	800 and 1,600.	900 and 1,800.
Belknap.....	1	2	2	2	2	3
Carroll.....	7	10	10	10	10	10
Cheshire.....	8	9	9	11	11	13
Coös.....	7	9	9	11	11	11
Grafton.....	15	21	21	23	23	25
Hillsborough.....	7	12	12	13	13	14
Merrimack.....	4	9	9	12	12	14
Rockingham.....	8	14	14	16	16	19
Strafford.....	3	4	4	4	4	4
Sullivan.....	9	9	9	9	9	9
Total .....	69	99	99	111	111	122

The last legislature designated the years that towns of less than 600 inhabitants could be represented in the legislature for the next ten years. Of the 69 of these towns 44 are represented in 1902, 42 in 1904, 43 in 1906, 42 in 1908, and 43 in 1910. There is representation from nearly two thirds of these towns every session. It may be safely assumed that under any of the foregoing bases of representation that

of the towns pro-rated two thirds of the total number will be represented every session. Legislatures in discharging this constitutional duty are disposed to be liberal.

The following table will show the total membership of the legislature under all of the foregoing bases of representation:

BASIS OF REPRESENTATION.	700 and 1,300.	700 and 1,400.	800 and 1,400.	800 and 1,600.	900 and 1,800.
Membership from towns and wards entitled to representation every session .....	286	277	260	239	215
Membership from two thirds of pro-rated towns.....	66	66	74	74	82
Total membership.....	352	343	334	313	297

No amendment of the constitution relative to representation is likely to be operative before the legislature of 1905. Another census will be taken in 1910. The foregoing totals will therefore apply to only those legislatures of from 1905 to 1911. After the legislature of 1911 they will increase with our increase of population.

TABLE TWO.

COUNTY.	House, 1901.	District system, house of 300.	Town system, basis 800 and 1,600.
Rockingham .....	52	37	41
Strafford.....	34	29	27
Carroll.....	19	12	15
Belknap .....	18	14	14
Merrimack .....	51	38	39
Hillsborough .....	100	82	79
Cheshire .....	32	23	25
Sullivan.....	21	13	15
Grafton .....	42	30	35
Cooks.....	28	22	23
	397	300	313

TABLE THREE.

There are 3 towns of less than 100 population.  
 There are 5 towns of from 100 to 200 population.  
 There are 14 towns of from 200 to 300 population.  
 There are 17 towns of from 300 to 400 population.  
 There are 13 towns of from 400 to 500 population.  
 There are 16 towns of from 500 to 600 population.  
 There are 31 towns of from 600 to 700 population.  
 There are 12 towns of from 700 to 800 population.

Total, 111

My amendment provides for a house limited to 300 members. Let us compare the reduction under my amendment with the reduction under the town system that will give a house of 313 members, the basis for which would be 800 inhabitants for the first representative and 1,600 for each additional representative. In this comparison I have pro-rated towns not entitled to continuous representation at the ratio provided by the last legislature, that is practically two thirds of the towns being represented at every session of the legislature.

COUNTY.	District system.	Town system, basis of 800 and 1,600.
Belknap.....	14	14
Carroll.....	12	15
Cheshire.....	23	25
Cooks.....	22	23
Grafton.....	30	35
Hillsborough.....	82	79
Merrimack.....	38	39
Rockingham.....	37	41
Strafford.....	29	27
Sullivan.....	13	15
	<u>300</u>	<u>313</u>



Either method gives practically the same representation to the counties of the state. If you take your counties as units, you will find it makes no material difference in the strength of these localities whether you adopt the district system or the town in providing for a house of 300 members, the real distinction being that under the district system you can permanently limit the house to 300, while under the town system the limitation lasts only three or four legislatures at best.

There is no equality in the town system. A town which has but 600 inhabitants has one representative, and another town which has 1,799 has no more. In Merrimack county, Allenstown, with 1,496 population, and Hooksett, with 1,665, a total of 3,161, and which are contiguous towns, have two representatives, while Pembroke, a neighbor, with only twenty-two more population, has three. Hopkinton and Henniker, having a population of 3,159, have two, while Pembroke, with only a few more, has three.

In Carroll county, Wakefield and Ossipee, with a joint population of 3,124, have two representatives, while Conway, with 3,154 population, has three representatives.

In Cheshire county, Marlborough and Swanzey, two contiguous towns, having 3,094 population, have two representatives, while Jaffrey, with a population of 1,891, has the same number.

In Strafford county, New Durham, with 625 population, has one representative, while Rollinsford, with a population of 1,701, has no more.

In Grafton county, the towns of Alexandria, Franconia, Holderness, Piermont, and Wentworth, with a combined population of 3,201, have five representatives, while Haverhill, with 3,414, has but three; Littleton, with 4,066 population, has but three representatives, and Lebanon, with 4,965 population, has but four. Haverhill, Lebanon, Littleton, Enfield, Hanover, Lisbon, and Plymouth, large towns in Grafton county, with a population of 20,367, have a representation of eighteen, while the remainder of the county, excluding the towns not sending representatives, with a population of

17,847, or nearly 3,000 less, have twenty-four representatives; that is, six more than the large towns. In the large towns of Grafton county there is one representative to every 1,131 population, while the small towns have a representative to every 743.

In Sullivan county, Claremont and Newport, with a population of 9,624, or about half the county's population, have eight representatives, while the remainder of the towns of the county have thirteen representatives.

In Belknap county, Center Harbor, Gilford, and Sanborn-ton, with a population of 1,935, have three representatives, while Meredith, with 1,713 population, has but one.

In Coös county, Lancaster, with a population of 3,190, has three representatives, while Carroll, Columbia, Pittsburg, and Stark, with 2,820 population, 300 less than Lancaster, have four representatives. Berlin, with over three times the population of these small towns, which have four representatives, has but eight.

In Hillsborough county, Milford, with a population of 3,739, has three representatives, while Bennington, Brookline, Frankestown, Greenfield, Hancock, and Lyndeborough, with a population of 3,899, about 100 more than Milford, have six representatives.

In Rockingham county, Exeter, with a population of 4,922, has four representatives, while Auburn, Danville, Greenland, Newfields, Nottingham, Stratham, and Windham, with a population of 4,548, have seven representatives. Portsmouth, with over twice the population of these towns, has but nine representatives.

The deductions I draw from the examination of this question are these:

The town system does not give equality of representation. The small towns gain at the expense of the large towns and cities.

We have reached the point where the remedy lies, not in temporary expedients, but in a change of system.

We must limit the membership in the house or that body

will become in the immediate future most unwieldy and a travesty on popular government.

Any lasting limitation of membership, based upon the town system, will pro-rate so many towns that the system will exist but in name.

The large towns and cities will lose nothing by a change to the district system. The small towns will be as well off eventually under the district system, being grouped with other towns, as they will be under the town system, to be represented only a part of the time.

The district system is one of equality and must be eventually adopted. If we do not adopt a plan which meets our approval, how can we expect it to meet the approval of the people.

The Chairman—Will the gentleman from Concord suspend a moment.

The President of the Convention—Mr. Aldrich of Littleton desires to leave the chair, and I appoint Judge Cross as chairman of the committee.

(Mr. Cross of Manchester in the chair.)

Mr. Lyford—We are passing through the same state of affairs that confronted the state of Massachusetts in 1850, when a Constitutional Convention was held. In that Convention were such men as Nathaniel P. Banks, George S. Boutwell, Henry Wilson, and other of the old-time leaders of the state. Many of them came from the little republics, as they are called, and they considered the question of representation with reference to the towns as well as with reference to the cities of the state. It is urged here that we preserve the little republics. Nothing in the change of the basis of representation would disturb these little republics in the least. Our Constitution was changed in 1876, and the elections of the towns for local affairs was changed to a different time. The town elections will remain the same under the district system.

The district system has stood the test of time for fifty years in the state of Massachusetts, and I hope the gentleman from Littleton, Mr. Aldrich, who has been in Massachusetts for several years, may give us the benefit of his knowledge of the district system in that state.

In conclusion, I desire to say that I have submitted my plan for the district system for information, but I have no pride in the phraseology of the resolution. I am entirely willing it should be amended, or something better substituted in its place. I came here without prejudice on this subject, and I desire equally with all of you to present that plan to the people which we, ourselves, can approve after the fullest consideration.

Mr. Osgood of Nelson—Mr. Chairman, the present population, as I understand it, recognizes a certain superiority of the smaller towns in its representation as compared to the population of the larger ones. It strikes me that the district system is adapted to discriminate against these smaller towns, which the present system favors. And, suppose, as one of the arguments presented, the district system might last quite a while, it would not last forever, any more than the town system would last forever, and we can arrange the town system so that will last for years.

I would not say here—for I presume a large proportion of the people would not concede the fact—that a rural population, as a whole, is superior to the population in our cities. Now the present proportion recognizes that fact—as I believe it is a fact—in the method in which it has distributed the representation among the smaller towns, as compared with that of the larger towns and cities. The population of many of these large towns is largely made up of foreigners, and on that account we get legislation that we would not get were it not for that foreign vote. I refer to one instance with reference to the preservation of deer. Where I reside, the deer is getting to be a nuisance, but not as much as it will be in the course of time. In my section of the state, there is a

penalty for killing deer at any time, although in certain sections of the state they have, of course, open seasons. Now that legislation, I venture to say, never could have been enacted but for the votes from these cities, and of men having no interest in the question whatever.

The gentleman who has spoken last, as I understand it, doubles the population that requires an additional representative over what the present portion now is. Of course, as this proportion is doubled, the large towns are discriminated against to that extent. But they are discriminated against now, and if it is right to discriminate against them at all, I see no reason why it is not right to discriminate against them further. Perhaps others cannot look at this from my standpoint, but I believe that the small towns should be favored with reference to its representation in the legislature of this state.

Mr. Barton of Newport—Gentlemen of the committee, as I introduced a resolution yesterday upon the subject now before us, I think it appropriate that I should say a word to you with reference to it. All of these resolutions ought to be presented to the committee and discussed, before we select any one plan and call it better than the rest. It may be that we shall make a combination of several of these resolutions, in order to get something that will be acceptable to the people.

This, it seems to me, ought to be impressed upon the minds in this Convention, that we *must* get something which the people will ratify. I cannot quite agree with the gentleman from Concord, Mr. Lyford, that we should hit upon something that suits us, and then get it ratified by the people if possible. If we are to secure any results from the time spent here, we must get something that the people will approve.

It does not appear to me that the people are willing to make any radical change in the method of their representation, and I think as you have talked with each other since coming here, you have come to the conclusion that we are

not prepared to overthrow the existing order. I, for one, hope we shall not make any great change. There has been a good deal of talk about a large house, and many have said it was a bad thing. But why call it that? Does not all that has been said against it really come to this, that we shall need more seats in this hall if we keep the ratio of representation where it now is? I submit to you that it is not a very bad condition of affairs to have a large house. The legislature meets here once in two years, sits about a couple of months, does its business with despatch, and adjourns. Our legislation compares favorably with that of any other state, so far as I can ascertain. Men come here from all parts of the state, mingle with each other, and even if they do not all occupy the floor during the session, receive great benefit from their associations, and return to their constituents better citizens for having been to the "Great and General Court." It is a school, not an expensive school, either, and one for which the state can well afford to pay.

Now, gentlemen of the committee, under our present Constitution, each town and city ward with a population of six hundred is entitled to one representative. I am in favor of retaining this provision. The cities must concede that in settling on any population basis, when the Constitution was last amended, there was a concession to them by the small towns, because there is a larger number of women and children in the cities who help such cities to secure their representation in the house than the small towns have in proportion to the voters of each. In other words, there are more voters in proportion to the population in the small towns than in the large towns and cities. But I, for one, am in favor of letting our representation rest on the basis of population, as a measure of compromise, for I think our first move must be in the nature of a compromise. It is something of a concession for the towns which are too small to send a representative every time, to consent to allow representation to be put upon the basis of six hundred people, but they have acceded to this once and we have no reason to suppose they will be unwilling to do so again.

Then, for the next and each succeeding representative, I would make the increasing mean two thousand. I say two thousand, because I think the large towns and cities would object to making the number larger. This plan will reduce the house seventy-five members. If you should make the increasing mean larger than two thousand, you are going to cut into the cities and large towns more than they will probably stand. As I said, we must hit upon a measure of compromise, and I think the number two thousand for the additional representative is such a measure. Some may want three thousand, but that will go harder with the cities than two thousand, and two thousand is a great deal better than twelve hundred, because it reduces the house, as I have said, seventy-five members.

At the last Constitutional Convention, where this matter was adjusted, which was held in 1876, the house was reduced ninety members, the apportionment being based on the census of 1870, so we really have been thirty years, reckoning up to the census of 1900, in increasing the membership of the house to the point where it now is. It is said that if we retain the town system, our reduction will afford relief for only ten or fifteen years, but the arrangement of 1876 has, as a matter of fact, stood about thirty years, and since we now propose to increase our mean from 1,200 to 2,000, which is an increase of two thirds, as I figure it, it will take two thirds as long again for us to get back to our present number. If this be true, it will take fifty years for us to get back where we now are.

It fairly made my head ache to follow the gentleman from Concord, Mr. Lyford, in the figures that he gave, and I think it will make the heads of our farmers ache if they follow those figures when his district system is put before them for ratification, if this should ever be done, and I don't think that they will come to the conclusion that they want to ratify something which is so hard for them to get through their heads.

This, then, is the proposition that I present to you. It is

very simple; it has passed through the polls of the state as I have offered it, except that we have raised the population for each additional representative from 1,200 to 2,000, and I think there is no doubt but that the people will ratify it again. It is a measure of compromise, and I believe will afford relief for at least forty years. It will reduce the house from 393 members to 318, which is a house none too large to do our business carefully and well.

Mr. McAllister of Manchester—Mr. Chairman, if it is in order, I move that the statistics, or tables, that have been prepared and read by the gentleman from Concord, Mr. Lyford, be printed for the use of this Convention.

Mr. Kent of Lancaster—Would it be pertinent to suggest—I have no tables of my own, but I am a searcher of light in this matter,—would it be pertinent to suggest that there are other tables which have been prepared and presented, and there may be more, and I presume the gentleman from Manchester would consent to include those other tables in his motion for printing.

Mr. Baker of Bow—I rise to a point of order. That this is not business to be performed in the Committee of the Whole.

The Chairman—There is some doubt in my mind about that. My first impression was that the committee could not do it, and it is the impression of the President of the Convention that it should be done in Convention, and I will so rule.

Mr. Fellows of Tilton—For the purpose of getting some expression of this body, as to how large they wish the house to be, I move that in line two of the resolution offered by Mr. Lyford of Concord, the word “three” be stricken out and “two” inserted, so that it shall read, “that the house of representatives shall consist of two hundred members,” etc. I, personally, do not care whether it is 100, 200, or 300, but I



think the committee is in doubt as to how large they wish this house to be, and under this motion of mine there is a chance to get an expression of opinion upon that point.

Mr. Hamblett of Nashua—It seems to me that we are not ready at this time to pass intelligently upon the proposition, or the motion, made by the gentleman from Tilton. We are all searching for information and light, and when the matter has been discussed and considered fully, it then will be time to determine this matter. It seems to me that we cannot determine this question and vote intelligently at this time.

I am free to say that I do not know whether the house ought to be 300, 250, 200, or 150. It strikes me that it is early for the Convention to commit itself upon so important a proposition.

Mr. Leach of Franklin—This question that we are considering seems to me to embrace three different questions: First, the size of the house; second, whether representation shall be based upon population, as it is now; third, whether or no we shall preserve the town system of representation or the district system.

Now it seems to me that these questions can be disposed of more speedily if we could, on the coming in this afternoon of the Committee of the Whole, consider this matter in these three different propositions. If the gentlemen who have introduced these resolutions will put them in shape so that we can consider whether we favor an amendment to the Constitution based upon population or the number of voters, so we could consider, second, what we would fix as to the size of the house, and, third, whether we would favor the district system of representation or representation by towns and wards; then, when we got the consensus of opinion of the Convention on these matters, some progress would be made and the resolutions introduced could be referred to a standing committee to bring in a resolution in accordance with the expression of the Convention, so obtained.

Some of these resolutions, in some respects, I favor, and in

others I do not. It seems to me that we shall save time if we can get at it in the way I have outlined.

Mr. Lyford of Concord—I would be entirely ready to agree to the proposition of the gentleman from Franklin, but I think the point made by the gentleman from Nashua, Mr. Hamblett, is a good one. We have not proceeded far enough, yet; we have not had, as yet, such an exchange of views that members would feel qualified to express themselves by voting upon these different propositions. It seems to me that it will appear to the gentleman from Franklin, Mr. Leach, on reconsideration, that this discussion better proceed as it is proceeding, taking these propositions together and then, at a later stage, his plan might simplify the work and be entirely proper.

The Chairman—The question before the committee is on the motion offered by the gentleman from Tilton, Mr. Fellows, to amend the resolution offered by the gentleman from Concord, Mr. Lyford, by striking out the word “three” and inserting the word “two.” Are you ready for the question?

Mr. Aldrich of Littleton—I did not intend to speak upon this question this morning, and should not, but for the inquiry of the gentleman from Concord, Mr. Lyford. The gentleman from Tilton, Mr. Fellows, presents to this committee a motion which calls for a vote, and if the committee votes upon that question now, it commits itself one way or the other. It either rejects the idea of reducing the house of representatives to 200, or adopts it, and, in view of the fact that there has been no discussion of the question, whether the house of representatives should be reduced, and if so, how much, I agree entirely with the suggestion of others that that question ought not to be passed upon now.

I had supposed, until the gentleman from Newport, Mr. Barton, addressed the committee, that the proposition to reduce the house came to this Convention *sua sponte*, and that it was undisputed among the people that the house of

representatives should be reduced somewhat, and the senate increased.

Now, coming from a country town, I am not prepared, at this time, to take a position upon the question as to whether we should depart from the town system. Being a native of one of the smallest, but of course, the most important town in the state [Laughter], and by adoption, representing, in part, one of the larger towns, I naturally incline to the idea of the town system, if it can be perfected, and equality of representation can be maintained upon a permanent basis. Therefore, any proposition to change from the town system would naturally involve a reluctance on the part of a country member to proceed rapidly and without discussion.

I do not quite agree with the gentleman from Nelson, Mr. Osgood, when he discusses at this early stage the question whether the greater measure of virtue resides in the country or in the city. We better avoid the discussion of such a question. I do agree with him, however, to this extent; that any proposition, in order to address itself favorably to this committee, or to this Convention, should spread itself fairly over country and city alike. Any proposition that aims at all in the direction of advantage to the country or to the city is bound to fail. There should be no disposition—at least I have none—to approach this question with the idea of giving an advantage to either. This question should be approached with the idea of reducing the house of representatives on lines which shall rest the withering frost of diminution upon city and country alike. If we approach the question in any other spirit, whatever we do, will fail.

I am bound, of course, having taken the floor for that purpose, to answer the question which the gentleman from Concord, Mr. Lyford, puts to me, as to the practical working of the district system in Massachusetts, which is the system upon which the plan that gentleman has submitted to the Convention is constructed. I know very little about it, except that I have inquired among the lawyers and judges in Boston, and the answer has always been, that it worked smoothly, and

that everybody is satisfied with it. The great argument in favor of it is, that the district lines, having been established, become stable, and that all parts of the state are represented all of the time. Now, if there is a vital defect in the town system, it seems to me that it resides in the fact that quite a portion of our state is unrepresented a substantial part of the time. I do not know how large a portion, but a considerable part of the state. Perhaps the gentleman from Concord can inform us about that. I know there are several towns in the state that are represented only a part of the time. This is wrong. It ought not to be so.

Mr. Lyford of Concord—I will say, Mr. Chairman, in answer to the gentleman from Littleton, that three towns in the state have less than 100 population; five towns, between 100 and 200; fourteen towns, between 200 and 300; seventeen towns, between 300 and 400. So that there are thirty-nine towns in the state having a population of less than 400 inhabitants.

Mr. Aldrich of Littleton—What is the practical result? How much of the time are these towns unrepresented?

Mr. Lyford of Concord—Some of them are represented a fifth of the time; the towns of 100 inhabitants, or less, are represented a fifth of the time.

Mr. Aldrich of Littleton—Is there a possibility that the town system can be worked out so that all the towns can be represented all the time?

Mr. Lyford of Concord—I think not; I have not been able to do it.

Mr. Aldrich of Littleton—It must be admitted, if we are fair, that any system which leaves any town or any place unrepresented for any substantial portion of the time, is defective and radically wrong, but as I have said, I am not now

prepared to take any position upon the question whether there should be a departure from the town system and the adoption of something different. I may be prepared later on to do so.

I do wish, however, at this time, to submit to this Convention some statistics which bear upon the proposition of the gentleman from Tilton, and upon the question whether the house should be reduced, and if so, whether to 200 or 300. The statistics I am about to submit are familiar to many of you, but I desire to make some brief observations upon the general question involved, namely, the reduction of the house and the increase of the senate.

My first remark is, that aside from the house of commons, in England, and the chamber of deputies, in France, the house of representatives, in New Hampshire, is the largest legislative body in the world. Another observation is, that, with one or two exceptions, the senate of New Hampshire is the smallest senate in the world. The general plan, as you will see—the general scheme, speaking generally,—is that a senate shall be about one third of the size of the other representative body—from a quarter to a third. You will find that rule will apply pretty generally throughout the world.

Here, the house of representatives is sixteen times as large as the senate, the disproportion being so great that it is almost a curiosity. There is nothing like it anywhere else.

The present legislature of New Hampshire contains 397 members, and we have a senate of 24.

The house of representatives in Maine is 151; our house of representatives exceeding that of Maine by 246. Maine has a senate of thirty-one; seven larger than ours.

In Vermont, the house of representatives is 245, the New Hampshire house being 152 in excess of that of Vermont. In that state the senate is composed of thirty members; six larger than ours.

The house of representatives in Massachusetts is 239, ours being 158 in excess. Their senate is forty, being sixteen larger than the senate here.

The house in Rhode Island is composed of seventy-two

members, ours being 325 in excess; and I believe the population of Rhode Island is larger than that of New Hampshire. Rhode Island has a senate of forty-five, twenty-one larger than ours.

Connecticut has a house of representatives of 255, having 142 less than the house of representatives of New Hampshire. The senate of Connecticut is twenty-four, the same as New Hampshire.

The great state of Pennsylvania has a senate of forty-nine and a house of 205, the house of representatives in New Hampshire being 192 in excess of the great state of Pennsylvania, and our senate twenty-five less than theirs.

Indiana has a senate of fifty and a house of 100, the house being 297 less than the house here, and the senate twenty-six more than ours.

Illinois has a house of 153, 244 less than the house here. The Illinois senate consists of fifty-one members, twenty-seven more than ours.

Iowa has a senate of fifty and a house of 100.

Wisconsin has a senate of thirty-three and a house of 100.

The great state of Ohio has a senate of thirty-three and a house of 110.

I ask, Mr. Chairman, that the relative proportion, as I give these statistics between the senate and the house, should be observed, to see what the idea outside of New Hampshire is as to what would be the proper balance between the two.

The great state of New York has a senate of fifty and an assembly of 150.

Texas has a senate of thirty-one and a house of 128.

Kentucky has a senate of thirty-eight and a house of 100.

Michigan has a senate of thirty-one and a house of 100.

Our present congress consists of 357 members.

The only elective body in the world equal in size to that of the house of representatives of New Hampshire is the German reichstag. In Germany, where there is a population of 45,000,000 people, the reichstag has the precise number of members as the house of representatives of New

Hampshire, or 397. Of course, when I make that general remark, the house of commons in England I except, and the chamber of deputies in France, where, on paper, the membership is larger, but the actual sittings of members are much smaller. Not much more than one half the size of this house.

In the new Western states, speaking generally, aside from those I have given, the rule is a senate of fifty and a house of 100.

Whatever I have said this morning does not relate to the question as to whether it should be the town plan or the district system, but relates to the general question whether the senate should be increased and the house reduced, and it must be observed that if the house is only reduced to 300 members, it will still remain more than twenty per cent. larger than any other house of representatives in the United States. I do not say that it should be less or more than 300, but the fact exists that if it is only reduced to 300, it still remains the largest in the country.

Mr. Chandler of Concord—Mr. Chairman, if the Convention is to make progress, of course the members must express their views upon the propositions, as they are presented.

I am not willing to vote for the motion of the gentleman from Tilton, Mr. Fellows, that the house of representatives be reduced to 200. I know that a reduction ought to be made, but I do not think it ought to go below 300. I am not in favor of small legislatures; I am not in favor of legislatures so small as those which have been adopted in the Western states, as the gentleman from Littleton has shown you. I remember the enlargement of the present hall of representatives. As in time the house increased, the size of this hall was enlarged, and it now has about 400 seats here. It is too large a body, I think, for so small a state, and if it were reduced to 300, the members would sit in this present room without occupying the two rows of rear seats, and it would be a body reasonable in size and as always, except two years ago, a sensible body.

Now, Mr. President, really the most important work of this Convention is to reduce, if possible, the house of representatives. I know this subject must be approached intelligently, and with harmony, because it is one of some danger. It will not do for the large towns, or their representatives in this body, to threaten the small towns, nor do I think our friends from the small towns should allow themselves to threaten the delegates from the large towns with the rejection of any proposition which this Convention may send to the people.

Mr. Chairman and gentlemen, it is going to be very easy to defeat anything which we may do. It is the easiest thing in the world to defeat the work of a Constitutional Convention. I well remember the Convention of 1850, presided over by a distinguished son of New Hampshire, whose statue I soon hope to see in the state house yard at Concord, and who within three years of that time became president of the United States. Besides its noted President, the Convention contained other New Hampshire men of distinction at that time, as of course this Convention contains the most distinguished men of New Hampshire now in existence! But, Mr. Chairman, that Convention made the mistake of submitting too many amendments. As I scrutinized them then, as a boy, and as I scrutinize them now as a man, I think a very large proportion of them ought to have been adopted; but the people had a notion that there were too many of them and they voted them down with a rush—the whole of them. I remember seeing some of the ballots.

Voters would take a brush or pen and make a wide, black border around the whole ballot (as I sometimes think a border ought to be drawn around *The Manchester Union*, especially the edition of this morning) [The stenographer is not certain that the last remark is correct, as he could not hear distinctly on account of the laughter], and then the voters would write "No" across the face of the ballot and put it in the box.

The Convention, Mr. Chairman, presided over by this dis-



tinguished gentleman, Franklin Pierce, and containing those other distinguished gentlemen, reassembled and were much crestfallen. I hope we shall not have to reassemble to do over again any part of the work that we are now undertaking. That Convention of 1850 mustered courage enough to again submit amendments, three in number, and did succeed in cutting out the property qualification for holding office, but did not succeed in taking out the religious test, which last was not removed until 1876,—although, Mr. Chairman and gentlemen, it was never enforced in this state and was obsolete years before we succeeded in striking it out.

At this time, therefore, I cannot vote for any measure which I think will go to the people to be made a wreck of. I am not here willing to participate in such a work. Let us see whether, by the application of fairness and good sense (of which latter quality there is a large amount in this Convention), we can come to some just and equitable solution of the problem.

I think there ought to be a reduction of the house to 300, but not to 200.

I cannot vote for the proposition of the gentleman from Newport, Mr. Barton, which makes a reduction in the house only by increasing the number of inhabitants necessary for the second, third, and fourth representatives—two thousand additional inhabitants instead of 1,200 to get the second, third, and fourth representatives (which is the proposition of the gentleman from Newport), will reduce the house to 300 members, by making the reduction at the expense of larger towns and cities, the basis of 600 for the first representative remaining the same as now. I say that I cannot vote to reduce the house to 300, and put the reduction wholly upon the larger towns. I believe, Mr. Chairman, that at some time we will come to the district system in New Hampshire. We shall have to come to it at some time, but I am not anxious or desirous of occupying the difficult subject. I voted against knowing that this was a

the calling of the Convention at the present time, of course not expecting, if there were a Convention, I should have the honor of being a member of it, and sitting in such an intelligent body as I see before me. But I did not think that we could grapple with this question at this time, and solve it, and get an amendment which the people would adopt.

Believing that sometime we are coming to the district system, the gentleman from Concord, Mr. Lyford, has with great care prepared an amendment, based upon the Massachusetts plan, which reduces the house to 300; and the 300 representatives are apportioned among the counties of the state; and the county commissioners, who are elected by the people, are authorized to equitably divide their counties into the necessary voting districts. I am in favor of that plan, and I would be willing to see it adopted by this Convention, and go to the people. I think that it is a fair and equitable plan, which places the loss of representation alike upon the small towns and the large ones.

On the other hand, the gentleman from Newport, Mr. Barton, presents to us the proposition that 100 members should be stricken out from the house of representatives, wholly at the expense of the large towns, and that the 600 basis for the one representative shall remain as it was before. I do not think that an amendment of this kind, if carried through this Convention, will be adopted by the people, and so here we are, Mr. Chairman, with a very delicate question confronting us.

I ask my friend, the gentleman from Nelson, Mr. Osgood, whether he is willing to make any concession; whether the sentiment of the smaller towns of the state will favor any concessions in this matter. Knowing how intelligent his constituents are, and knowing their sentiments in regard to this question, is he willing to propose, if the town system is maintained, any increase of the basis of representation for the first member over 600?

Mr. Osgood of Nelson—Make 700 the basis, instead of 600.

Mr. Chandler, of Concord—That is too small a concession, in comparison with the increase of inhabitants necessary for the second representative—an increase from 1,200 to 2,000. Would my friend favor an increase of 200 or 300 for the basis of the first representative, if the basis for the other representatives was increased to 1,800?

You all see the difficulty there is in this question. If the gentlemen here from the small towns are willing to make any concessions, in order that we may send out something to the people which stands a chance of being adopted, and which preserves the town system, I hope they will fairly and honestly tell us just what they will do, and I, for one, will be willing to meet the question in a spirit of compromise, because it must be met in a spirit of compromise to get any results. That spirit must be manifested on the part of every member, or else any action we take upon this matter will prove abortive.

On motion of Mr. Baker, the committee arose to report to the Convention that it had come to no conclusion on the subject under consideration, and to ask leave to sit again.

In Convention.

(The President in the chair.)

Mr. Cross, chairman of the Committee of the Whole, reported that the committee had been in session, made progress, and asked leave to sit again.

No objection being made, leave was granted.

The Convention then adjourned.

AFTERNOON.

The Convention met according to adjournment.

(The President in the chair.)

On motion of Mr. Knight of Milford, the following resolution was adopted:

*Resolved*, That a Committee on Mileage be appointed by the chair, consisting of one member from each county.

On motion of Mr. McAllister of Manchester, the following resolution was adopted:

*Resolved*, That the tables of statistics, relative to the membership of the senate and house of representatives, prepared by Judge Aldrich of Littleton, Mr. Lyford of Concord, and by other delegates, be printed.

The chair appointed the following tellers, to act during the remainder of the Convention:

Division one, Howe of Concord; division two, Evans of North Hampton; division three, Little of Manchester; division four, Corey of Portsmouth; division five, Abbott of Derry.

Mr. Holman of Hillsborough moved that the proposed amendment to the Constitution, offered by him relating to a tax on inheritance, be taken from the table and referred to the Committee on the Judicial Department.

Mr. Holman yielded the floor to Mr. Lord of Manchester, who submitted the following resolution, which was adopted:

*Resolved*, That a committee of five be appointed by the President to make assignment of rooms to the various standing committees of the Convention.

The motion of Mr. Holman of Hillsborough was then renewed, stated by the President, and prevailed.

The resolution offered at the afternoon session, December 3, by Mr. Lamprey of Concord, to amend article ninety-eight, part two of the Constitution, was, upon motion of Mr. Lamprey, taken from the table and referred to the Committee on Future Mode of Amending the Constitution and Other Proposed Amendments.

The same gentleman called for a division upon the ques-

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tion, which was upon his motion that the resolution last referred to be taken from the table and referred. The chair ruled the call for a division to be out of order, as coming too late. Mr. Lamprey then moved to reconsider the vote whereby the resolution was taken from the table and referred to the Committee on Future Mode of Amending the Constitution and Other Proposed Amendments. The question being stated, the affirmative prevailed. The question recurring upon the original motion of the gentleman from Concord, Mr. Lamprey withdrew the motion by unanimous consent, and moved that the resolution be referred to the Committee of the Whole, and the motion prevailed.

On motion of Mr. Baker of Bow, the resolution in relation to establishing voting precincts in large towns and cities, was taken from the table and referred to the Committee on the Legislative Department.

On motion of the same gentleman, the resolution relating to the election of officers by plurality vote, was taken from the table and referred to the Committee on the Legislative Department.

The President appointed the following committee to select rooms for the standing committees: Messrs. Lord of Manchester, Flanders of Holderness, Pike of Stark, Wilkins of Henniker, and Nutter of Rollinsford.

On motion of Mr. Kent of Lancaster, the Convention resolved itself into Committee of the Whole, to consider the various resolutions relating to representation.

In Committee of the Whole.

(Mr. Aldrich of Littleton in the chair.)

Mr. Kent of Lancaster—Mr. Chairman and gentlemen of the committee, I am desirous of saying something at this time on this subject. I do not expect to enlighten any one by my remarks—I desire enlightenment myself. My position upon the question of representation is not fixed and determined. I do not know thoroughly what may be best,

but I am very sure no result can be reached except by mutual concession by the different interests after a careful and thoughtful consideration of all the questions presented here.

I was impressed with the remarks of the gentleman from Concord, Mr. Chandler, this morning with reference to taking such action as shall be endorsed by the people when the question is submitted to them. I realize that we may not properly be bound by a fear of what may happen, but that we must do as nearly right as we know how to do right and trust that the results will be good. At the same time this is not a moral question, but one more of policy and expediency, and we should to some extent, at least, consider what the people will approve.

A motion is before this committee that the number of the members of the house should be reduced to 200, but I do not think that we are, at this point of the discussion, far enough advanced to fix the permanent bounds of our action, but think we should go further before doing so. It is of course true that in order to accomplish all that we were sent here for, we should reduce the house and reduce it materially, but until we have discussed this further we should, as it seems to me, leave our minds open, both with reference to the size of the house and the basis of representation.

We come here, not with any pride of opinion or desire to introduce anything new into this fundamental instrument of our government, but simply, as delegates of the people of the state, to consider a delicate situation and to find a way of relief from the conditions which now exist and which seem to some extent burdensome, and we should seek to do this in all candor and with minds liberal enough to entertain and consider fairly all the resolutions that have been and may be presented to this Convention. So you must count me as an opponent of anything which at this time tends to draw the lines between conflicting systems of representation. The invitation to those favoring the town system to meet after adjournment this afternoon is to my mind unfortunate.

I may at this time, I think, properly say that all the asso-



ciations, education, and training of my early life induce me to favor the existing town system of representation. It is my desire and hope, if it is possible, to adopt an amendment that will fairly retain it, but I do not know of any particular method that can accomplish the desired result, if it can be accomplished. I hope, however, that during this discussion of various proposed amendments I may be able to arrive in my mind at some conclusion as to which is the best measure to adopt, whether that be one retaining the town system or one setting up the district system.

I have listened with regard to the explanations and statements of my lifelong friend from Concord, Mr. Lyford, and to those of other gentlemen of this Convention, and when the time comes I hope we shall be able to make a right solution of this matter. I wish to say here, as I have said before, that in my judgment any drawing of lines at this time between those in favor of the town system and those in favor of the district system is not wise and that I should not be able to take part in such a conference, because I think the minds of the Convention ought to be left free until we come to some conclusion.

I am not at this time an advocate of any measure in regard to the method of representation. I have listened with the rest of you to these different suggestions. It is a matter that is not free from sentiment, and I am bound to say that sentiment counts more in the affairs of the world than force.

I believe in a creed—the creed of numbers—that all the people should endeavor to join in measures for the common good of the greatest number—in this instance for the weal of the commonwealth.

I have been in favor of the town system, but I desire to hear what may further be said about it. I am willing to listen to all the suggestions in regard to different systems and hope that before we arrive at the conclusion of this discussion I shall be so clear in my mind with reference to this that I shall have no further hesitancy as to the proper action to take, and if I can contribute anything to that end I shall only be too happy to do so.

In the first place, it seems to me that the town system is more in accord with the genius of the people of New Hampshire than the district system. It has been said here that it is only a question of time before we shall be compelled to adopt the district system. Perhaps it is—possibly it is so, but I do not believe we should adopt that system before we are obliged to. I know that conditions change. I hope the prosperity of New Hampshire will continue, but it is possible that our population will not increase or even that it may decline and the representation thus fall off, so that no such change as is suggested by the advocates of the district system will become necessary. It has seemed to me that it was better to maintain, so long as we could with fairness and justice, the old system, which not only New Hampshire but the federal government, in its inception, represented.

It seems to me that while the functions of town government are carried on independently of the state government and while they retain their identity as towns or little republics, as they have been called, the same independence should be given them or rather left with them for the purpose of electing representatives to the law-making body. It seems to me it fosters a spirit of independence, and freedom, and strength, and that it is better for each town to independently elect a representative than to be one of many necessary to do so.

I may be wholly wrong in this. It may be that this thing cannot be carried out in its entirety, as it ought to be. I am told that as we go on in this way the more the inequalities grow, on account of the larger surplus numbers. Possibly that may be so. But I do not know that there is any remedy for these inequalities, even though you take the state and carve it up into districts. I have yet to discover any method by which absolute equality can be obtained—it is only approximation to equality that we can hope to gain. And this is so practically with all public measures. For instance, take the taxes. They are never assessed throughout the state with perfect equality. All we can do in the

transactions of the state is to approach as nearly as we can to equality—to get it approximately, to endeavor to do as well as we can do in that direction.

I am not prepared to enter into an argument here as to the relative merits of the people in the different parts of the state or to assert that one section of the state is better, physically, morally, or spiritually, than another section, neither should I be able to discuss the matter through all its details and ramifications. But I think I may say this to you, sons of New Hampshire, delegates of our constituents, whether of city or country, you all, either in yourselves or forebears, retain a kindly feeling toward the country. I believe the country to be the nursery of the cities. I think the cities are largely recruited from the towns. I think many of the prosperous men in the cities look back to the old homestead on the hillside and to those left behind when they went out to fight the battle of life. I do not regard this as sentiment but as one of the phases of human nature, one of the qualities that will endure. I think to a large degree character that has developed on the hillsides of the state has to-day the same result as in the generations gone. Hence I believe that our friends who reside in the cities do have and will continue to have, through whatever changes, kindly feeling toward the country-side from whence they or their fathers and mothers came.

I further believe,—and I do not think it is my individual belief, but the common belief of the people,—I believe it is the policy of a republican form of government—and I do not use the word republican in a partisan sense at all—to increase and strengthen the power and influence of its agricultural and rural communities. I believe that to be something more than mere dollars and cents and more than the mere question of the relative number city and town should have in the legislature. I believe it to be a broad policy that has grown up from the very nature and essence of country character and has remained inviolate through all the changes of the years. While I do not think this is in any way

mandatory or controlling, I do think this idea of the relative position of country and city in the history of the nation is to be taken into account.

The word "city" is an indefinite term. There are cities and cities. What is a city in one state would be termed country in another. In the state of Kansas, for instance, every gathering where there are two thousand people is a city and has his honor, the mayor, and a city council equally with New York, but how different. Now to my mind the larger towns and the smaller cities are identical; they are really the same. When we come to put a distinctive meaning to the word "city" outside of its form of government, we would not be able to count more than half a dozen in the state at the outside. The other cities are practically large rural communities spread out over more territory than other country communities, and which for convenience' sake have a government called a city government, but to all intents and purposes they are the same as the other country towns and bear the imprint of country towns all through.

I have listened also with great intentness to the clear and lucid explanation of the gentleman from Newport, Mr. Barton, as to his plan. I do not think any one who has presented a plan is wholly right and in accord with the sentiment of this Convention, and undoubtedly whatever plan is presented will, before it is adopted, have to be changed.

I understand the gentleman from Concord, Mr. Chandler, to say, that from his recollection of the details of the plan offered by the gentleman from Newport, it took all the decrease from the cities and left the rural communities intact. I think that is a mistake. I know that my own town of Lancaster, having something over 3,000 inhabitants, now has three members; under the plan presented by Mr. Barton, it will lose one representative. I think that that plan would take from the large towns and the cities that are large towns rather than from the larger cities. It seems to me that in cities the wards are so constructed, the lines

so drawn, that there is no more surplus of population in those wards than in the country towns.

I know that I am making a rambling talk, but I do it because I want all the information that I can get before I come to a conclusion on this matter, and I desire to throw out suggestions which may be discussed and thus have light thrown upon the question, and I must be pardoned for saying some things out of place perhaps. I do it with this intent, that all these matters may come before this body for its deliberation and consideration. It is of the very greatest importance that whatever plan is adopted by this Convention, and presented, should bear the stamp of earnest consideration and the desire of all of us without pride of opinion or prejudice to come together on common ground. A great English statesman once said that "Compromise is the essence of politics." I believe that to be thoroughly true and that in all questions, except where moral results are involved, the middle course is generally the safer and more satisfactory. I trust that out of all of these plans presented we can get together upon one that will be satisfactory and just. It is of the greatest importance that whatever plan goes out from this body to the people of the state should be received with entire confidence, the feeling that we have tried to do what is best and that no one is getting advantage, unless it is the advantage authorized by omnipotence—the advantage of conditions and environments.

Now if any plan was sent out which by any means was so shaped that bad results would follow to any political or ecclesiastical organization or to any business or other legitimate interest, it would incite suspicion and greatly imperil the success of that plan. While I regard the system, if we are to have a district system, presented by the gentleman from Concord, Mr. Lyford, as very admirable and complete in its details, I think it has some points connected with it that are objectionable. The state is to be laid upon a bed and carved into 300 representative districts. First the division is to be by counties and then the towns of those counties

instead of maintaining their independence are to be joined together and divided into districts. Now how are the districts to be determined? I have no doubt but the idea presented by the gentleman from Concord, Mr. Lyford, is the result of earnest study and deliberation, and I may be mistaken about the result, but what does it do? It puts the formation of this 300 representative districts into the hands of the boards of county commissioners. They are the ones who determine how these districts are to be composed, and as these districts are composed, so the representation is likely to stand and so the legislation of the state is to be conducted during several sessions, at any rate.

Now it is wholly probable and possible that the condition of parties now existing in this state may change; it is entirely possible that such a condition might exist with reference to the election of representatives to the legislature, that practically the entire power of the state would lie to-day with this party and to-morrow with that party. We are not talking politics here and politics should not enter into this discussion, but there is always a suspicion that partisan boards throughout the state might take partisan advantages in determining the lines of the districts which are to send representatives under the system proposed. My apprehension is that anything in an amendment submitted to the people, which would tend to such a result would not be ratified. Now it is more than likely that the trained brain of the gentleman from Concord and the interest he has taken in this matter, will enable him to make some other proposition to take the place of the present plan if it is open to this objection of possible partisan advantage.

There may be other things to come up also objectionable; some points are open to criticism, in this as well as in the other proposed amendments, but I am in hopes that the result of this discussion will be to eliminate objections and bring about the adoption of an amendment which will be just and fair. I have no idea in my own mind that the discussion on these several measures will be finished this week.

There is a question—in regard to the change of the membership of the senate—that has been very little discussed. Individually, that does not seem to me a matter of great importance one way or another. I do not attach importance to the fact that New Hampshire is unique in its house of representatives; I think it is cumbersome and more expensive than necessary, and should be reduced in size, but there are other things to be considered in connection with a proposed reduction.

A prominent son of New Hampshire for many years was Gilman Marston. There were a great many points on which I did not agree with Gilman Marston, and on which he did not hesitate on occasion to disagree with me. The idea he had was that a large body of this sort was an educational body and the amount of money expended in maintaining a large house of representatives was more than offset by its educational value, giving opportunity for many to learn by experience how to conduct public business. That is a matter that should be taken into consideration as an element here.

It is not necessary that we have 200 members in the house, because Connecticut, for instance, has that number or that we should have any number that the traditions of the state and the best interests of our people may demand.

I do not suppose that I have in any way made a lucid speech or argument, because, Mr. Chairman and gentlemen, I do not fully know what I do want and therefore have not attempted to place any definite proposition before you, but I have tried to suggest ideas that may be of value.

I hope the town system may be retained with justice to all, but I assure you, if in my mind I come to the conclusion that that could not be, I shall be perfectly willing to replace it by such a system as would do justice, and I know that is practically the feeling of the people all over New Hampshire.

On the other hand I am sure that this Convention is impressed with the idea that while we may find numerous things in this venerable Constitution that may be improved, it is not a wise thing to depart from its spirit or to try to

make numerous amendments. As was so well illustrated this morning by the gentleman from Concord, Mr. Chandler, in referring to the results of the Constitutional Convention of 1852, too many amendments are apt to defeat the purposes of the Convention. Let us consider and adopt a few amendments which are important and essential and go home. This Convention will then have accomplished something worthy of approval.

My belief is that the house of representatives ought to be reduced. It seems to me that by discussing and considering different plans to that end we may reach some basis and just ratio between extremes.

It seems to me also that population is better than ratable polls or voting strength.

I think we can agree upon a plan without loss of respect to ourselves and that we should waive all pride in our preconceived opinions or prejudices.

I believe in retaining so far as possible the independence of these little commonwealths, these little republics, that are the germs of empire, but if we cannot retain them, I am ready to join in any system to reduce the representation that is likely to promote justice and meet the reasonable expectations of the people of New Hampshire.

Mr. Scott of Peterborough—Gentlemen of the Convention, in the line of the ideas expressed by the gentleman who has just taken his seat, I introduced a resolution in this Convention, which is before you, for the preservation of that old town system, which I believe in thoroughly.

I was called out for a short time this forenoon, and when I returned I found a motion had been made, upon which, I supposed, the Committee of the Whole was acting at this time,—that the number of the house of representatives be fixed at 200. I was a little surprised at that, because, it seemed to me, that the action which the Convention had previously taken, that all matters pertaining to the matter of representation should be considered in the Committee of



the Whole, was taken that the members of the Convention might thoroughly consider these matters before acting upon them. I find the arguments made by the speakers who have preceded me have proceeded on the line of discussing all of the questions involved in this matter; and with reference to the remarks that I make at this time, I shall not confine myself simply to the numbers of the house of representatives, and more especially, gentlemen, because I do not remember that there has been a single project presented to this Convention by which the house of representatives was to be reduced to the number of 200. That being the case, if such a motion was made here, of course it lays to one side all the resolutions that have been introduced by the several gentlemen, to preserve the town system, and also the district system. Consequently, I take it that the chair has taken the sense of this Convention, and has not seen fit to confine the discussion strictly to the motion that the house should be limited to 200.

Another reason why I speak of this is because several resolutions were introduced this morning which have not been printed, and consequently the Convention has not had an opportunity to see them and know what they were.

The resolution which I introduced was based upon an increase for the second representative to 3,000. My friend from Newport, Mr. Barton, has introduced a bill, based on 2,000, as an increase for the second representative. He retains the old town system and I agree with that, if it reduces the numbers of the legislature to the required limits, and I believe, from what I have heard in the different parts of the state, that that is what the people desire—to reduce the house and still preserve the town system.

I have a tabulation, which is based upon the present system of 1,200 increase, and also one on an increase of 2,000, and one on an increase of 3,000. I find that the number of the legislature, based upon a 2,000 increase, would be 271, excluding representatives from prorated towns.

I had supposed that it was the desire of the people, in view of the fact, as has been stated to you, that our legislature is

so large, to have it reduced somewhat, but I did not suppose it would be the desire of the people to reduce it as much as has been suggested.

As you have well known, some of the states around us have a house of only 150, some 100, others 175, but none of them so high as the house of representatives in the state of New Hampshire. But I do not think that we ought, on that account, to reduce our representation as low as it is in many, if not all, of those states. I had supposed that the people desired to have the number made smaller than it now is, and consequently I had fixed the number of inhabitants necessary for an increase of one representative at 3,000. That would give us a house of 240, and it seems to me that is sufficient; that 240 is all that is required.

I take but very little stock in what has been said in regard to the inequality of this thing, and the hardships it would impose upon the larger towns and cities, from the fact that I found, on tabulating it, that the reduction rested very equally upon the community. If anybody has to suffer, it is a town like mine, which falls a little short of 3,000, and which now has two representatives, but cannot have but one under the system proposed in my resolution; but on the part of the inhabitants of that town, in the line of the remarks of the gentleman who has just taken his seat, such is the feeling in regard to the retention of the old town system, which gives to the people in the old state of New Hampshire the right to be heard as of old (and that goes a great ways), we are entirely satisfied to have our representation reduced one half, and all that we require is, that the cities stand equally with us.

I have the tabulation which shows what the result would be under this system, but I am not going to put it in here at this time. If this notice had not been given, that there was to be a meeting following this of all those who were interested in the town system, I should have more to say now, but after that meeting, and after knowing the feeling of my fellow-delegates better, I may be inclined to talk to you again, but

at the present time I shall be very brief. I will, however, simply give you a few of the results which I have tabulated. This tabulation has been made by as accurate a mathematician as there is in the state of New Hampshire. I do not pretend to be so very accurate in mathematics as some others, but usually have been able to do my own business, and some for other people, and they have not complained. I have looked over this tabulation and revised it.

The city of Nashua, which now has twenty representatives, will have ten; the city of Manchester, which now has forty-eight representatives, will have twenty-three; and it runs in that proportion throughout the state of New Hampshire. I cannot find—and I have figured on it a good deal—any more equitable basis upon which the representation can be placed, if you desire to reduce this house, and furthermore, if you desire in this Convention to do something that will be ratified by your constituents when you get home.

I think I am well qualified—I do not say any better than the others here—to know the sentiment of the people. There are gentlemen here as well qualified as I am, but my business for forty-five years has been such that I have had occasion to go around through the rural communities of New Hampshire, and I think I know something about the sentiment of those communities. Whatever you do here must be simply a recognition of that sentiment, as it has got to go to those rural towns to be approved or disapproved by two-thirds vote. I take it that we all want to do something to meet the approbation of the people of New Hampshire, so that this Convention shall not be a farce, and I stand here to-day to say, not what is intended for a threat but what seems to be a fact, knowing the sentiment of those towns as I do, that there are but three systems, in my candid judgment, that have been presented here, that will meet the approbation of your constituents when you get home, and I will tell you what those are.

One is the amendment that I had not heard spoken of until it was presented to the Convention, and that is the one that

is included in the resolution of the gentleman from Newport, Mr. Barton, based upon the actual voters.

Mr. Kent of Lancaster—That is, 165 voters for the first representative—that was introduced by Mr. Woodbury of Woodstock?

Mr. Scott—It is the one introduced by Mr. Woodbury. I have not looked up the figures independently, under that scheme, but I have his figures here, and they vary very little from the results under the resolution introduced by myself.

If a man wants to know what representation his town is entitled to, under the present system, I can give it; if he wants to know what it would be under an increase of 2,000, I can give it; or of 3,000, I can give it, and I have the tabulations by counties as well as by towns. I will give you the figures representing the number of representatives each county would send under an increase of 3,000. And you will remember the tabulation which Mr. Woodbury gave you, under his system of actual voters.

Rockingham County.....	34
Strafford           “ .....	23
Belknap           “ .....	14
Carroll           “ .....	11
Merrimack       “ .....	35
Hillsborough   “ .....	56
Cheshire       “ .....	18
Sullivan       “ .....	7
Grafton       “ .....	26
Coös           “ .....	16

Making 240 under the system of an additional representative for each 3,000 increase in the inhabitants, and leaving, as of course it does, the old town system precisely as it is now, with 600 for the first representative.

If 271 is as small as you desire to have this house, the system presented here by the gentleman from Newport, Mr. Barton, which is based upon a population of 600 for the first representative and 2,000 for the second, would seem to an-

swer the purpose. If that is too large a house, I know of no other system by which you can reduce it so fairly and preserve the rights of the towns throughout the state, than having 3,000 necessary for the second representative. It seems to me that it is necessary to preserve the town system, in order that the amendments be accepted and the object of this Convention here accomplished. I take it there is no one here but what wants what is fair and right. I have conversed with the gentlemen from the cities, and some of them have said to me that the cities would suffer wrongfully under these tabulations. But you will note that they will not suffer more than the towns. My own town would have but one representative, and would lose one. Hillsborough would lose one representative, Goffstown would lose one representative, and many of the towns in this state, falling a little short of 3,000, would lose one representative. Can you say that the cities will lose more in proportion? We are here to reduce the house, and there is no other way so just and fair as this; there is none other that will meet the wishes of the people so that when it is submitted to the people it will be ratified, and your doings will not come to naught.

Mr. Kent of Lancaster—Mr. Chairman, may I ask, through you, if there was a resolution presented by some one in regard to this same matter, which I think, pertains to the system as it prevails in Connecticut and Vermont—that is, one representative from each town and ward. Mr. Holman of Hillsborough is the one which, I think, introduced it, and I should like to have that plan explained to us by the gentleman who introduced it.

Mr. Baker of Bow—I do not desire to address the committee at this time on the general subject, but in response to the suggestion of the gentleman from Lancaster, in the absence of the gentleman from Hillsborough, I think I can give the statistics he desires. There are 225 towns, and there are eleven cities, and the eleven cities have sixty-six wards, so that would make a house of 291 members.

Mr. Kent of Lancaster—That is Connecticut.

Mr. Baker of Bow—Practically the Connecticut system. So, if every town and ward in the state be represented by one, we should have a house that consisted of 291.

The Chairman—In the absence of other business, I will request the clerk, for the information of the committee, to read section two, article four of the Constitution of the state of Maine, which provides for a house of representatives in that state.

(The clerk reads.)

The Chairman—And also, unless there is objection, I desire the clerk to read section five of the Constitution of Rhode Island.

(The clerk reads.)

Mr. Lamprey of Concord—It has seemed to me, during the progress of this discussion so far, that we are not making the headway we should, if we first determine whether this Convention desires to reduce the house of representatives, and if so, how much. It does seem to me that it would be better, first, to decide upon the number which should constitute the house of representatives.

Now I am in favor, personally, of a horizontal reduction to 100. I believe it would be a business proposition to reach that decision, so that there could be no doubt what the size of the house is to be, whether the legislature need be more than fourteen times as large as that of the state of New York, in proportion to the population, or not. Will some one rise and tell me why the state of New Hampshire needs fourteen times more men, in proportion to its population, to represent it in its legislature, than the great state of New York, with a population of nearly six millions? That state has a house of about 150, and if we reduce our house to 150, we should then have fourteen times as large a representation as New York has.

Now I understand the tenacity of the people of New

Hampshire for the old institutions which have come down to us from our fathers. I can remember when there was the same tenacity manifested in retaining the school district system, when each school district was a kingdom by itself. I remember, when a boy, of hearing the Hon Nathaniel Baker use the whole power of his eloquence to induce the then No. 9 district of Concord, N. H., not to consolidate and make a union district; I remember how strongly he urged them to retain their independence and their individuality; the old district system died hard. But it is dead, and who would bring it to life again?

I believe Mr. Lyford of Concord has taken the boldest step which is likely to meet with the approval of this Convention, in reducing this house about 100, and that if we go to the people with this proposition, it will be one that they will ratify all but unanimously. It would reduce the legislative expenses so that we could spend more money elsewhere, where it is badly needed. I wish it were within the power of this body to appropriate annually \$50,000 for good roads in the country districts, and if we could do that by a Constitutional amendment, as is done in some states, I should be heartily in favor of it.

I am in favor of the reduction of the expenses, both of our legislature, and by doing away with Constitutional Conventions, in order that we may spend money more liberally in other directions in the state of New Hampshire. There faces us, and must continue to face us, the question of better roads and better schools, if we are to keep pace with our sister states in those matters. We are not facing any theory, but facts. We need improvements in our roads, and in our common schools, and if we could secure such an amendment as that by the delegates of this Convention, and its ratification by the people, it would certainly be doing a good thing for the state.

Now if we were to divide the state into 300 districts, according to the population,—I may be wrong about it, but I am inclined to think that such a radical measure as that is

more likely to meet with approval by the people than any system we can get through the Convention by discussing town lines, etc. If we obliterated the lines of the school districts, and did not suffer by it, why cannot we obliterate town lines in the matter of representation. I believe firmly that if this Convention adopted that idea, and the people approved of it, in a few years there would be as few people who would think of going back to the town system as there are now people who would think of going back to the district school system. We have got at some time or other to take this step, and if we do not take it now, some other Convention will do it.

I know the time will come when the legislature of New Hampshire will be reduced 100 and why not make the proposition now, and submit it to the people, and give them our reasons for it, and there are reasons and good reasons for doing it. We want to manage the affairs of this state as a great corporation would manage its affairs. We want to reduce expenses where we can without injury, and put the money thus saved into enterprises that will do the most good.

I do not intend to take up the time of this Convention and did not intend to take the floor at this time to discuss this matter, but I wish to express my conviction that we are wasting time in not first deciding the number to which the house of representatives should be reduced, and then it will be in order to discuss the way and manner by which that reduction can be made.

Mr. Edgerly of Somersworth—I did not intend to make any talk upon the question now before the committee, but it seems to me that it is settled by the gentlemen who have spoken upon the various propositions that have been submitted, that it is the policy of the Convention to reduce the number of representatives in our legislature, but I do not think it is the policy to reduce it very much. I think the sentiment among the different sections of the state, from which I have been able to get information, seems to be that



it ought to be reduced about 100, or so as to bring it down to about 300, and that our senate should also be increased to about 50. That would bring our house and senate nearer in proportion to the house and senate of other states, that have been referred to in this committee, than it now is. I do not think it is the purpose of the Convention to reduce the house to 200 at this time. I do not think it would be policy to attempt it, because we have got to get a two-thirds vote of the people to ratify any action that we take here.

I, myself, do not believe in a small house. It is stated that the great state of New York has a very small house of representatives, while we have a very large number of representatives. There is one thing that New Hampshire can boast of, that is, that it has the largest house of representatives in this country, and if we have got anything larger than any other state, we do not want to part with it just now.

I think that the legislation of this state compares favorably with the legislation of the great state of New York, about which we have heard so much. I believe that the safety of our people depends upon a large house of representatives as much as upon any other one thing, and I also believe that the state of New Hampshire is wedded to the town system, and I do not think the people want to exchange it for the district system at this time.

It may be, that at some time in the future, our people may think a district system better for them, but I do not think it is what we need to-day, and I believe in letting future Conventions take care of that, if that time ever arises. Any attempt by us to agree upon a system, that will last for all time, will certainly fail.

Various suggestions have been made here, and numerous resolutions have been introduced before the committee, but I think that the resolution introduced by my friend from Newport, Mr. Barton, for a reduction of the members of the legislature, is better than any other that has been presented. I think, however, that there should be one amendment to that. I think the unit should be increased from 600 to 800,

so that a town with less than 800 inhabitants would not be entitled to one representative all the time. I may be in error upon this point, but that is my opinion. I do not know as it would be what a majority of this committee believe in, and would want to report, but, if that were done, we would then have 111 towns in this state that would send one representative only a proportionate part of the time, which would be an addition, if I have correctly estimated it, of twenty-two towns to those which are now known as classed towns. That would be a concession on the part of those towns as great as it would be on the part of the large towns and cities, to make reduction by increasing the number for the second and third representative to 2,000, which I believe to be the desire of the Convention.

I have heard so many figures and estimates made by various members here, that I am at a loss to say exactly what should be done. I think, however, that we have made fine progress so far, and have gained a great amount of information upon this subject, and, after a little time to think these matters over, I have no doubt that we can formulate a resolution, which will reduce the house of representatives 100 in number, or approximately that, so as to have a house composed of about 300 members; and then we should increase our senate to about fifty, and I think that we would then have no difficulty, when we go before the people, in getting such amendments adopted. I do not think it is now contemplated that we are to make an amendment which is to last for all time, and, it seems to me, that it cannot be supposed by anybody of common sense that we are to make an amendment which will last longer than thirty years, because, in thirty years, conditions will change, population will change, and almost everything is liable to change. The inhabitants of this state thirty years hence will, without doubt, want to call another Convention to amend the Constitution, and I believe in leaving something for them to do, when that time arrives. If we can retain the town system, and reduce the house to 300 members, we shall then have done our full duty.

The gentleman from Newport, Mr. Barton, has proposed the best amendment, and the gentleman from Newport, as I understand, represents a town that will lose one third of its representation under the amendment he proposes, and I think the gentleman from Newport believes that his constituency would consent to such a concession upon their part. It would then have a representation of only two members, instead of three. The gentleman from Peterborough, Mr. Scott, represents a town that would lose one half of its representation, but he and his constituents are well satisfied, and there is no objection heard from him, but on the contrary he has intimated that his town would ratify it. The gentleman from Lancaster, Mr. Kent, has also expressed his approval of the town system, although his town would lose by means of it, and there are many others here in the same situation who do not object to this proposition.

Now, gentlemen, is there anyone to say that the city of Manchester, with its present large representation, and the representation it would have under such an amendment, would vote against this ratification; is there any man in this Convention that believes they will? Will the city of Concord vote against it?

There is a sentiment in favor of the town system. One of the generals of Napoleon said that a certain thing was only one of imagination and sentiment. "Sentiment and imagination," says the great Napoleon, "rule the world." That sentiment for the town system must be taken into consideration in what we do. So far as the town I represent is concerned, it makes no difference whether we have the district system or the town system as to representation. There will be one representative, and only one, but I believe that that town and others similarly situated, would all prefer to maintain the town system, instead of going to the district system.

To summarize, it seems to me, it comes apparently to this. The sentiment is to reduce the house of representatives to 300; the town system will do it, as well as the district system, and by the former there will be preserved this system, under which New Hampshire has prospered and been respected.

Mr. Dudley of Colebrook—This seems to me to be a sort of an experience meeting, and I want to state my experience, with the rest of the brethren.

I come from a town that has now two representatives, and by the town system, proposed by the gentleman from Newport, Mr. Barton, we shall lose one of the number; but we will bear it pleasantly, and take our medicine with a smile. I believe thoroughly, from the bottom of my heart, in the town system in the little republics of New Hampshire.

I am not scared by the size of the house of representatives. In my younger days I used to teach school, and I never saw a big school that did not do better than a small one. The

ent time. Others from the cities and the larger towns seem to think this unfair, but it seems to me that the advantage that the small towns might appear to gain by this basis of 600 is fully offset, and more than offset, in the cities, by an excess of population that is not a voting population.

We all know that in the cities, especially in manufacturing cities, the proportion of women and children to the number of voters is much larger than in the country, and in making up the increase for representation, the cities can count every man, woman, and child, and reckon them in its population, for the purpose of fixing the number of representatives to be sent to the legislature.

The small towns are made up mostly of native stock, and nearly all the men over twenty-one years of age are voters; whereas, in the cities, there is a large class of unnaturalized foreigners who do not vote, but still are counted as among the population. I say, therefore, that the discrepancy occa-

sioned by increasing the number of persons for the additional representative is more than corrected by the number of those in the cities who are not a part of the voting population.

I do not believe in putting this matter on a basis of votes, or ratable polls. We are all acquainted with the methods of making up the check-lists at the present time. These lists are stuffed now, and if necessary to stuff them more, they would be stuffed more. Let us get down to the basis of the United States census, and upon that basis try to present something to the people that they will be satisfied with, and when we get home, let us all set ourselves up as schoolmasters and teach every voter that he ought to vote for whatever is here adopted.

Mr. Leach of Franklin—Before this Convention closes for the day, it seems to me the attention of this body ought to be called to the fact that if the rural towns have any advantage under the present situation, it is only on account of the fact that the large towns and cities have not availed themselves of the privilege of having the same representation that these small towns enjoy. Under the present Constitution, if the cities which had been chartered in the last ten years had, prior to the last census, divided themselves into wards of 600 inhabitants each, they might have enjoyed double the representation that they have to-day. If the city of Manchester was divided into wards of 600 each, they might have nearly fifty additional representatives, over what they have to-day. If the city of Franklin had been disposed to avail itself of this privilege, it might have to-day ten representatives instead of five.

I call your attention to this for two reasons: First, our friends that live in the rural districts ought to appreciate the fact that this matter of representation is not a matter that the people of the large towns and cities have thought was of very great moment, because none of them have availed themselves of the privilege they now have under the Constitution

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not limit the size of the house of representatives, you are going to come out in a few years with a house as large as you have it to-day.

It is my opinion that the only way to fix this is to fix absolutely in the Constitution the number that the house shall consist of.

I, too, gentlemen, am in favor of making this body as large as practicable. I do not think that we can afford to cut it down below 300. If we do there will be great danger that our action here will not be approved by the people. I believe the way to do this, and the only way, is that provided in the amendment presented by the gentleman from Concord, Mr. Lyford, fixing the size of the house absolutely.

Then, the next thing that comes up is whether the basis should be on population or the number of voters. I do not think there is much difference in the sentiment of this Convention in regard to that. I think the people want population as the basis of representation. They have already had a former experience, based upon ratable polls, or taxpayers, as a basis, which they abandoned. It is such a system as they would not want to return to at this time. The basis of voters would be a varying basis; would be a basis which would change from year to year, and might be changed, and always would be changed, by the supervisors of the town, in accordance with their political views and their considerations of expediency. I do not think it worth while to spend much time on that point, because I think it is settled in the minds of the members of this Convention that the basis of representation must be by population.

Now the other question is, whether we shall continue the town system or the district system. I am in favor of preserving the town system, so far as it can be preserved, and I

think that is the sentiment of the large majority in this body; but when we come to consider it, there is not a great difference between the method of representation by towns and the method of representation by districts, as to the results. I have examined the bill of the gentleman from Concord, Mr. Lyford, and I see that it provides that towns and wards shall be divided into voting districts, so that the average of population will be 1,370. I take it that under that bill every town and ward that had 1,370 population would have one representative; if it had double that amount, it would have two representatives, and it would be a district on that basis. I think the gentleman from Concord, Mr. Lyford, would himself agree to amendments to his bill that would preserve this independence of the towns and wards, so far as it can be preserved. I think, probably, it would be well to provide an amendment to that bill, that where towns and wards agree on their basis of representation, they would not be classified. That is, take it, for instance, in relation to a ward in the city that I represent. That ward would have one representative, and a margin of 1,000 or 1,200, not enough for another representative. It is my opinion that that ward would rather take one representative than be classed with another town or ward and take its chances in having two. So, from that ward there would be a surplus of about 1,000, which would not be represented by the representative from that ward; and it seems to me that the bill of the gentleman from Concord, Mr. Lyford, as presented, might in some way be amended so as to preserve the town and ward system so far as possible. I did not mention, I think, that such surplus population as I have referred to in any large town or ward might be credited and divided among the smaller towns and wards.

It certainly cannot be urged against this bill presented for a district system, that it is not perfectly fair, perfectly equal. It takes the counties, first, on the basis of population, and divides the representatives among those counties in proportion to their population. The house of representatives can



safe to reduce the size of this house below 300, and I then tried to work out the matter of representation by towns and wards, but could not do so by strictly adhering to the town system. It is my idea that under practically such a bill as the gentleman from Concord, Mr. Lyford, has introduced, with certain amendments that might be made to it, the house could be kept at the number of 300, and at the same time the town and ward system, based upon population, could be maintained to a large extent. Under his bill, a population of 1,370 would have one representative; in order to have two representatives, it must have twice that population; and in order to have three representatives, three times that population, etc.

Now a town or ward would naturally have a surplus population over and above what would be necessary to give it a representation of one or two representatives, as the case might be, and that surplus population should be applied for

the benefit of other towns and wards in the county, provided the total number of representatives from that county should not exceed the total number allowed, which is allowed to it under the bill as introduced. On this basis, the city of Franklin would have a representation of three, and a surplus population of about 3,000, which would go to the benefit of the smaller adjoining towns.

In thinking it over, I think that in the county of Merrimack there would be such a surplus population of about 7,000, and that surplus population could be distributed around among small towns of this county, which would give those a representative where, otherwise, they would not have one. You will find in every large ward and town that there would be a large surplus in population above what would probably entitle the town or ward to a representative and that surplus could be distributed or credited to the smaller towns and wards, and in that way they would help out. They would have a great advantage over what would be their representation on a basis of their actual population, and still your house would never increase above the number to which you should limit it.

Mr. Smith of New Hampton—I would like to inquire of the gentleman from Franklin, if he believed his town would make a present of all the surplus population to some other town?

Mr. Leach of Franklin—My idea would be this: As I understand the bill introduced by the gentleman from Concord, Mr. Lyford, it provides that each county is entitled to such a number of representatives as its population bears to the whole number. I believe that his bill could be easily amended so that each town or ward would be entitled to representation according to its proportion of the population, and then the surplus that was left over should be allotted by the legislature in some way to the smaller towns, if they didn't choose to be classed with other towns. This would be fair

honor to represent one of the wards of the city of Nashua. We must, in my opinion, have the towns of New Hampshire retain their individuality. The power which those towns to-day enjoy must not be taken away.

Something has been said during the discussion in regard to the system which now prevails in Massachusetts. I have given some time to the consideration of that system, and have observed the working of it in that commonwealth personally. I am informed from reliable sources of some very great objections to the system, and, as appears to my mind, the very same objections are applicable to the plan suggested by the gentleman from Franklin, Mr. Leach. Three towns of the commonwealth of Massachusetts, on the border-line of my city, are classed in a district. The gentleman who is now presiding over this Convention inquired this morning as to whether the towns of New Hampshire could all be represented under any possible town system, and

the answer was "No." But the effect in Massachusetts is that there are towns under their system absorbed by the other towns in the district, and prevented from any individual representation at all. That is the serious objection to your district system. The town of Litchfield, as I remember, is entitled to individual representation, under the present arrangement, once in four years. Better that they should have representation once in six years, than that they should be classed with Hudson, Londonderry, and other adjoining towns, all of which are larger, and be deprived of a representative from their own town.

What reason is there for a change to-day? Why this discussion? Simply because the state house is not large enough. No one complains of the character of our legislation; no one complains that the legislation of New Hampshire does not compare favorably with the legislation of any other state in this Union, and certainly it is not open to the criticism, and never has been, that the legislatures of some of the states which have been mentioned here to-day have been criticised and condemned for throughout this country.

Now, gentlemen, if it is because we have got to enlarge the state house, if that is the only reason, then let us consider that one proposition. I believe in the towns, and the nearer you get to the soil the better the men. I rely upon the representatives of the towns to guide us, and when I say that, I am not reflecting upon the representatives of the cities.

I hope, Mr. Chairman and gentlemen, we shall retain the town system, and that we shall retain the present law, rather than adopt the district system, and rob the towns of New Hampshire of the individuality which they enjoy to-day.

Mr. Lamprey of Concord—I have voted under the district system of Massachusetts for twenty years, and I wish to make this explanation:

Under that system three towns, the towns of Easton, Raynham, and Mansfield, were classed together as one district,

Lamprey, if it is not better to be resurrected once in five years than to be dead forever.

Mr. Lamprey of Concord—You would not be dead at all; that is the very point I was making.

Mr. Hadley of Temple—Gentlemen of the Convention, I did not intend to enter into this discussion this afternoon, although I did wish to have a word to say at some time before the vote was taken. But I feel so much encouraged by what I have heard here since dinner that it is actually impossible for me to keep my seat any longer.

I am thoroughly in sympathy with preserving the town system. That is what I was sent up here for. I had no idea of coming, but my town, which is a small town, sent me here because they knew I was always a fighter for the small towns and the rural communities. I did not suppose

that we were to have any assistance from any of the lawyers or statesmen, or those who are considered the big men from the cities; but when the gentleman from Somersworth, Mr. Edgerly, and the gentleman from Nashua, Mr. Hamblett, and the gentleman from Lancaster, Mr. Kent, came up here and told us what they were going to do, I tell you that we felt encouraged.

It has been my privilege and pleasure to meet with the people in the rural sections of the state within the last six months, of every town in our county, and I have taken the occasion to talk with the people with reference to reducing the house of representatives. I tell you that any system that is proposed here and carried, even by this Convention, to the people, which does not preserve the town system, will never be ratified by the people of New Hampshire, in my opinion. I had prepared some figures, with reference to this matter, but I will refrain from putting them in at this time, at least. I do believe that a population of 600 for the first representative is all right, and will be satisfactory to all these small towns. We are represented once or twice in six years, as it is at the present time. My own town only sends a representative one half of the time, but we are satisfied with that. I believe that it is all right to have 2,000 inhabitants for the next representative; I believe, with my friend from Peterborough, Mr. Scott, that perhaps 3,000 would be better, but that would be a little harder of ratification by the people. We do not want to come here and do anything that will be entirely undone. So I do hope that the resolution of the gentleman from Newport, Mr. Barton, when the time comes for voting, will be adopted, and I know the people of New Hampshire will stand by and ratify it, and I believe that it will be the most acceptable of any proposition.

Above all, let us not go into the district system in New Hampshire.

Mr. Fairbanks of Cornish—Gentlemen of the Convention, I have no doubt but every man in this Convention has, in his

heart, a feeling of love and pride for the old state of New Hampshire.

We were sent here because our constituents believed we would do what is best for the whole state, but there are represented here so many different interests that we could not expect, as it would be impossible, for all of us to think alike as regards what ought to be done.

But it seems to me that it is for the interest of our state that we should not adopt the district system.

I think I fully appreciate the benefit the cities and large towns are to our state, and I believe their interests should be protected. It is true that under some of the propositions proposed for the preservation of the town system, the cities will not have representation in proportion to their population that some of the small towns would; but I think that is fully offset by the fact that the people of our country towns are largely composed of that class of people that were born, brought up, and have always lived in the old Granite state, who have always taken an interest in New Hampshire, and expect their children and grandchildren to do the same. I would not like to have the people of my county, which is composed mostly of such people, offset on an equal, or nearly, basis with those people who come to the city, with large families, to work for a short time in the factories and mills, and then return to the places from which they came. Those people have but little interest in our public affairs, and have no part of that pride and patriotism for our state, and nation, inspired by living a lifetime under the inspiring influences of the star spangled banner, and within the borders of the grandest, most enterprising and powerful nation on the face of the earth.

Mr. Mitchell of Acworth—When I came to Concord, I little thought that I should stand up and address such an assembly as this. I thought it would not do, that they would say in my town, “Why, here, here is Mitchell that has gone down to Concord and spoke.” What a thing that would be

to go back home! But getting encouragement, as I have from my friends here, I have gotten up to announce my sentiments, as fully and strongly as I think it is necessary.

I respect this city, and all the cities of New Hampshire. We cannot do without these gentlemen from the cities; they are what we want. But I want to ask you, gentlemen, can these city people do without us country people? Can they get along without us? We have nothing up in the country where we live that encourages us so much as the idea that we can be represented, that a man from our own town can represent us in the legislature. That is what we aspire to—to come here to the legislature, representing our town. We have, gentlemen, no city offices to fill; we do not have a mayor or councilmen, by which we can honor our men; and so, gentlemen, we can have no ambitions in that direction at all. But we are working in digging and tilling the soil, and in doing that, we are thinking all the time how we are going to be represented in the legislature at some time. Why, gentlemen, this is a great question. The very moment that you change this representation from what it is now; if you cut New Hampshire up into districts, or if you put the basis for the first representative at 800; if you do not keep the basis where it is to-day, there is a majority of my section that will lose all their interest, and you will lose the aid you now get from the rural towns in my section.

Now I say that I am in favor of the basis of representation being kept where it is, at 600 for the first representative, and as to the increasing mean, you can put it, gentlemen, as you see fit. My idea would be 2,000 for that, and that would reduce your house just as much as you ask for. Perhaps it would be better to put it at 3,000, or it may be possible that 2,500 is best, but that I am willing to leave to you. I have not made any figures, to see how those different methods would result. We people that come down from away up there in Sullivan county ought not to be expected to do this figuring as quickly and as well as you. Of course, we are not in it with you, in that respect, but we do want to be



represented in this legislature, and we intend to if we can hold it at 600.

Mr. Chandler of Concord—Mr. Chairman and gentlemen, there has been a notification of a meeting in this hall this afternoon, which I shall not attend. I suppose I would not be allowed to be present, holding the exact views which I do. I have forgotten the exact language of the invitation—whether it was an invitation to the delegates from the smaller towns, or an invitation to the delegates in favor of preserving the present town system. I am in favor, as I stated this morning, of the district system, if we can get it. But I should judge from the speeches made here this afternoon, that the friends of the district system—who believe that sooner or later this state will come to a district system—will not be in the majority. Even if it were possible to carry the district system by five or ten votes, I would not be in favor of sending such a system, adopted only by that majority in this Convention, to the people of New Hampshire for ratification;—because it would be voted down. On the other hand, Mr. Chairman and gentlemen, assuming that the delegates from the smaller towns can carry a system which would keep the basis for the first representative at 600, and increase the basis for every other representative to 2,000—assuming they can carry it through this Convention—I am sure it will not receive the votes of two thirds of the people of New Hampshire.

There is one suggestion to be made, and that is that the power of the legislature over questions which are being considered is exercised by a majority vote. When you have before the legislature of this state the question whether there shall be a license law, or prohibition, in New Hampshire, the majority of the legislature determines the question, and when that question comes to be voted upon, the small towns of the state have twice as much power as the large towns, or cities have, in proportion to the population. That is to say, a citizen of the small town has twice as much power in the

legislature, in deciding that question, as a citizen of the large town or city. This is grossly unjust.

Yet, Mr. Chairman, there is much sentiment, and justly so, about town representation. It is easy for my eloquent friend from Andover, and my friends from Colebrook, and Acworth, and Nashua, to arouse enthusiasm in its behalf. It is undoubtedly a noble feeling, and one honorable to us, and much may be sacrificed to preserve that system. What I wish to suggest to our friends, who are to meet here after the Convention adjourns to-day, is that they ought to consider whether, if we are to reduce the house of representatives from 400 to 300, it should be done wholly at the expense of the large towns.

The eloquent gentleman from Acworth has told you that the reduction may be made by leaving 600 for the first representative, and making 2,000 for the second; but he must bear in mind that one third of the people of this state can defeat whatever we do. So I suggest that the plan most creditable to us, and the only one likely to be adopted by the people of this state, is the plan that makes some change of figures in the basis of representation for the first representative. I should not have spoken again this afternoon had I not thought I ought to throw out these ideas for the benefit of those who are to remain here after adjournment.

Upon the motion of the gentleman from Peterborough, Mr. Scott, the committee arose, to report progress and ask leave to sit again.

In Convention.

(The President in the chair.)

Mr. Aldrich of Littleton, chairman of the Committee of the Whole, reported that the committee, having had under consideration the resolutions of the gentleman from Woodstock, Mr. Woodbury, the gentleman from Concord, Mr. Lyford, and the gentleman from Newport, Mr. Barton, and other resolutions, relating to the legislative department of

so amended as to provide for a house of representatives not to exceed in number 300.

On motion of the same gentleman, the resolution was ordered printed and referred to Committee of the Whole.

On motion of Mr. Clement of Manchester, the following resolution was adopted:

*Resolved*, That the President be authorized to appoint a committee of ten, one from each county, on finance, to approve the accounts of the officers of the Convention for their compensation.

The committee appointed for the purpose of assigning rooms to the several standing committees of the Convention submitted the following report:

Committee on Bill of Rights and Executive Department, room No. 4.

Committee on Legislative Department, senate chamber.

Committee on Judicial Department, judiciary room.

Committee on Future Mode of Amending the Constitution and other Proposed Amendments, room No. 5.

Committee on Time and Mode of Submitting to the People the Amendments agreed to by the Convention, room No. 8.

HARRY T. LORD,  
*For the Committee.*

Mr. Gilmore of Manchester offered the following resolution:

Part second of the Constitution, article forty-one, reads as follows:

“There shall be a supreme executive magistrate, who shall be styled governor of the state of New Hampshire, and whose title shall be His Excellency.”

Move to amend by striking out the words “and whose title shall be His Excellency.”

On motion of the same gentleman, the resolution was ordered printed and referred to the Committee on Future Mode of Amending the Constitution and other Proposed Amendments.

Mr. Leach of Franklin offered the following resolution:

ART. 9. The house of representatives shall consist of 300 members. Representation shall be upon the basis of population of each town and ward at the next preceding census, and the proportion that its population bears to the population of the state. The population requisite for each represen-

portion to which it would be entitled by its population of the last preceding census.

On motion of the same gentleman, the resolution was referred to Committee of the Whole and ordered printed.

Mr. Madden of Keene offered the following resolution:

*Resolved*, That part second, article nine of the Constitution, be amended by striking out the words "eighteen hundred," in the eighth line of said article, and inserting in place thereof the words "twenty-eight hundred," and by striking out the words "two thousand," in the tenth line of said section, and inserting in place thereof the words "two thousand," so that said section as amended shall read:

"ART. 9. There shall be, in the legislature of this state,

a representation of the people, biennially elected, and founded upon principles of equality, and, in order that such representation may be as equal as circumstances will admit, every town, or place entitled to town privileges, and wards of cities having eight hundred inhabitants by the last general census of the state, taken by authority of the United States or of this state, may elect one representative; if twenty-eight hundred such inhabitants, may elect two representatives; and so proceeding in that proportion, making two thousand such inhabitants the mean increasing number for any additional representative; *provided*, that no town shall be divided or the boundaries of the wards of any city so altered as to increase the number of representatives to which such town or city may be entitled by the next preceding census; *and provided further*, that, to those towns and cities which since the last census have been divided or had their boundaries or ward lines changed, the general court in session next before these amendments shall take effect shall equitably apportion representation in such manner that the number shall not be greater than it would have been had no such division or alteration been made."

On motion of the same gentleman, the resolution was ordered printed and referred to Committee of the Whole to be considered with resolutions of like character.

On motion of Mr. Jones of Manchester, the Convention resolved itself into Committee of the Whole for the consideration of the resolution offered by the gentleman from Bow, Mr. Baker, in relation to article six, Bill of Rights.

Mr. Jones at this point yielded the floor to Mr. Chandler of Concord, who introduced the following order:

Ordered, that on Wednesday next at 12 o'clock the Convention in Committee of the Whole shall vote on the following propositions:

1. The house of representatives shall consist of 300 members.

and Executive Department.

Mr. Baker of Bow—I rise to a point of order on that motion for this reason. When the committee rose yesterday, after having this matter under consideration, there was a motion then pending which should first be decided. That motion was that the committee report the resolution favorably, and that motion, I should judge, would take precedence of the motion made by the gentleman from Concord.

Mr. Lyford of Concord—Is the gentleman correct in that statement? I do not recollect it in that way, but it is only a matter of memory with me.

Mr. Baker of Bow—It is a matter of absolute certainty with me, for I made the motion myself.

The Chairman—If the gentleman from Bow, Mr. Baker,

is correct in his statements, the chair would rule that the point was well taken.

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Mr. Lyford of Concord—I have not looked over the rules of the proceedings that have been adopted here in regard to the priority of motions, but it seems to me that it will commend itself to the gentleman from Bow, without raising any question for the Chair to decide, to withdraw his motion, if such is pending, and allow the gentleman from Concord, Mr. Niles, to present his resolution for consideration, reserving to himself the right to renew that motion prior to anything else.

Mr. Baker of Bow—I have not the slightest objection in the world to the consideration of the amendment proposed by the gentleman from Concord. Neither have I the slightest objection in the world to his making any motion or amendment, if that will bring about the object he desires, but his motion was, that we set this article practically aside in the Committee of the Whole, and refer my resolution with his to the Committee on Bill of Rights and Executive Department. I am entirely willing that the committee should rise and relieve itself of any further consideration of Mr. Niles' amendment, and that it be referred to the committee he suggested, if that is his desire. I have not the slightest objection to anything of that kind, but this motion of mine ought to be considered in this committee.

(Mr. Baker requests clerk to read his motion.)

Mr. Baker of Bow—While I am positive that I made the motion and it was pending, it does not appear in the report of the clerk, and I withdraw the objection that I made to the motion proposed by the gentleman from Concord, Mr. Niles.

The Chairman.—The question now is upon the motion of



I do not suppose there will be found any one who will want to stand up and be counted in favor of retaining the words "evangelical" and "Protestant," and Mr. Baker's amendments and mine agree in eliminating those features from article six of the Bill of Rights. But we think differently in this,—and this is the principal thing, and is the reason why I think it should go to a small select committee to be there first considered,—we think differently on the question whether we shall, as far as possible in every instance, retain the exact phraseology and the exact words put into the Constitution at the beginning, or whether we shall come here and try to make it a little better here and a little better there, for the purpose of simply improving the language.

I do not think we are here to change the Constitution all over, but simply approach it in the most reverent way to add to it what needs to be added, and to take from it what should

be taken from it; and this should be done with as little change in the original document as possible.

We cannot now consider this matter in a Committee of the Whole, as well as it can be considered in a select committee like the one on the Bill of Rights and Executive Department, which is composed of men practised in the exact use of the English language, and of men having a wide knowledge of the decisions of our courts with reference to the Constitution.

The courts have had this matter before them a number of times, and it has been the subject of several most important decisions, and in all of those decisions the exact language of the Constitution has been considered and construed; and it is extremely important that we should not, by modifications, slight or otherwise, change the words that have thus been construed, and perhaps cause the courts to consider these modifications and make new constructions of *them*.

Now it seems to me that the whole thing should go to the Committee on Bill of Rights. They can take it, and they can consider what changes are proposed in the language, and whether there is any reason for such changes, and if so, what reasons; they can ask introducers of the amendments to appear before them and to advocate their proposition and state what reasons they have for making the proposed changes. And then they can strike out this or that word, and in that way get it into a shape in which they can report it to the Convention, and all the Convention will then have to do is to agree to the language.

This is not an attempt to squelch any one or to obtain any undue advantage. We will then have all the time we want for debate, and it will be in a shape in which we can debate it to a better advantage than we now can.

Then there are certain new things which have been introduced in the resolution offered by the gentleman from Bow, Mr. Baker, one of which is a provision that "no public money or property shall be appropriated for, or applied to, the uses of any religious society, sect, or denomination, or the support

of any religious establishment.” That is right, but I say that we have that provision in the Constitution now. It was put in in 1876 in article eighty-two. That is my position, but Mr. Baker does not agree with me that the language means the same thing. Can we here sift that question down and go through the language word by word and syllable by syllable, as it can be done by a select committee appointed for that express purpose?

Then there is a proposition as to witnesses and jurors, to the effect that no religious test shall be required and that a witness or juror shall not be rendered incompetent on account of his opinions on matters of religious belief. We want that, of course, but how are we going to know whether it is not so now, and how are we going to know whether there are not, perhaps, some other declarations in our Constitution which are based on religious grounds which should also be removed?

This committee by discussing these questions between themselves, bound by no rules of order, can work these propositions out very much better than can be done in a Committee of the Whole, and when they get it licked into shape, they can put it before the Convention in a form that all can agree to.

Mr. Lyford of Concord—Before the gentleman sits down, I would like to ask him if there is not involved a principle between the two resolutions on this word “Christian”—whether that should be retained or not—whether that is not taken out by the amendment of the gentleman from Bow, Mr. Baker, and left in in yours.

Mr. Niles of Concord—No, there is no word “Christian” in the present article which is left in. The present article provides that “every denomination of Christians” are equally under the protection of the law. My amendment proposes that should be stricken out,—and that is of course approved by Mr. Baker,—and that the words “all persons” shall be substituted. I do not understand that there is any question

there. But there is another question, and it is a question, and the only one as far as I can see upon which there will ultimately be a debate. That is whether the word "evangelical," to be stricken out, shall be replaced by the word "Christian." That probably will come up for debate when we have gotten it into some such shape that by a definite and exact amendment it can be taken out or left in. Then it can be done with intelligence instead of talking at random all over the lot, the way we have to do where there are two separate resolutions, as here.

Mr. Lyford of Concord—Would the gentleman insist upon retaining that word "Christian?" That seems to be the issue between the gentleman from Bow, Mr. Baker, and the gentleman from Concord, Mr. Niles,—that is, whether you will make that broad enough so that Jews, for instance, will be included?

Mr. Niles of Concord—I do not quite understand.

Mr. Lyford of Concord—You say that there may be a question that if the word "evangelical" is stricken out, whether the word "Christian" should be placed in the Constitution to take the place of that word. The question is, therefore, whether we should retain the use of the words "Christian bodies" or use some other word that would admit Jews and others.

Mr. Niles of Concord—The place where it occurs is in the very first clause of article six of the Bill of Rights. The clause is as follows:

"As morality and piety, rightly grounded on evangelical principles, will give the best security to government," etc.

The word "evangelical" I would strike out and substitute the word "Christian" therefor.

I do not, however, desire to argue that question here and

man himself has to me approved of every one of those clauses, so that cannot be the issue. The whole issue is the insertion of the word "Christian" into this article as proposed by him.

It is true that the word "Christian" includes Protestants and Catholics, but it is only a little less distasteful than the word "Protestant," because it includes Catholics as well. The principle involved is as absolutely violated by the insertion of the word "Christian" as it is by the word "Protestant." I am endeavoring to get this Convention to place itself absolutely before the people, and the people before the world, through the Constitution of the state, in a non-partisan attitude.

The gentleman from Concord, Mr. Niles, said in the course of his remarks, that there is already a clause in the Constitution relative to the use of public moneys for sectarian purposes. That is true, but it is an entirely different clause than

that inserted in my amendment. In article eighty-two of part two there is this proviso:

“Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination.”

That does not say that the property of the state shall not be so used; it does not say that no moneys which come into the state treasury in any other way than by taxation shall not be so used; but if my proposed amendment is adopted, it does cut out entirely the use of any public money, or property being appropriated or applied to the use of any religious society, sect, or denomination, or to support any religious establishment. You will see that there is nothing whatever in the present Constitution to cover the amendment which I have proposed.

Now I have no personal objection to the adoption of the motion made by the gentleman from Concord, Mr. Niles, if you see fit to adopt it; but, gentlemen, the whole question is before you, and in the interest of time I do not know of any reason why this committee is not capable of voting on this question when it has all the light obtainable on the subject of amending section six of the Bill of Rights.

Mr. Lyford of Concord—If the motion of the gentleman from Concord, Mr. Niles, were to prevail,—I am not saying that I shall support it,—I think it should be worded in this way—that this amendment be referred to this select committee with instructions to report an amendment in which all sectarian phraseology is stricken out. Would the gentleman from Concord, Mr. Niles, be willing to put his motion in that form and thus eliminate all need for discussion at this time?

The Chairman—The question is upon the motion of the gentleman from Concord, Mr. Niles. It has already been stated.

Mr. Lyford of Concord—I move to amend the motion in the form which I stated, so that the committee will under-

now.

The Chairman—It is moved by the gentleman from Concord, Mr. Niles, that the amendment proposed by the gentleman from Bow, Mr. Baker, that the committee do now arise and recommend to the Convention that the amendment proposed by the gentleman from Bow, Mr. Baker, be referred to the standing Committee on Bill of Rights and Executive Department; and the gentleman from Concord, Mr. Lyford, moves to amend that motion as follows: Amend by adding the following words: "With instructions to report an amendment in which all religious phraseology is stricken out." The question is upon the adoption of the amendment proposed by the gentleman from Concord, Mr. Lyford. Is the committee ready for the question?

Mr. Niles of Concord—I am afraid that the gentleman

from Concord, Mr. Lyford, has bitten off a little more than he meant to, when he asked that all "religious phraseology" be stricken out. It would strike out a great part of the amendment offered by the gentleman from Bow, Mr. Baker, which is couched in the language of religion of some sort or other. At any rate, it refers to the Deity, which I suppose is a religious term, and it speaks of public worship and public instruction in religion. In fact, that is all that the article is for, is the promotion of religious instruction. If their report is to be in a form which shall strike out all religious phraseology, it will strike out the whole article. The gentleman from Concord, Mr. Lyford, might change it so as to embody his idea. But as his motion appears now it would seem to go too far.

Mr. Chandler of Concord—I understood the gentleman from Concord, Mr. Lyford, to use the word "sectarian" and was prepared to vote upon that motion; but if all reference to religion and all religious phraseology is to be stricken out, that is a proposition of another sort, and is the same proposition made by our friend from Nashua, Mr. Everett.

Mr. Lyford of Concord—The suggestion of the gentleman from Concord, Mr. Niles, is a very pertinent one. When I offered the amendment first I used the word "sectarian," but objection was made to that word, and I accepted the suggestion of the gentleman from Stratham, Mr. Wingate, that the word "religious" should be used. I now desire to strike out the word "religious" and use the word "sectarian."

Mr. Niles of Concord—I would like to ask the gentleman from Concord, Mr. Lyford, whether that would bar the word "Christian," whether he regards the word "Christian" as a sectarian word.

Mr. Lyford of Concord—I think the committee will understand the amendment when they come to act upon this subject.



gentleman from Concord, Mr. Niles.

Mr. Aldrich of Littleton—I do not rise for the purpose of discussing the question—the theological question as to the difference between “evangelical” and “Christian.” That would be going to the merits of the proposition involved. But in view of the fact that we are approaching the Sabbath, the inquiry of the gentleman from Nelson, Mr. Osgood, as to whether this is a Christian state, is a pertinent one. My answer is that New Hampshire is a Christian state, and is one that treats the faith of all persons alike, whether Jew or Gentile. And this is so because she is a Christian state. As I understand it, the object as expressed in this body, and considered in this informal way, is that the subject matter of the proposed amendments be referred to a standing committee to the end that the standing committee shall proceed in

its investigations, having in mind and respecting the informal expression of the Committee of the Whole.

I desire, and my purpose in rising was, to address a legal question to the gentleman from Bow, Mr. Baker, who is a distinguished lawyer—not for the purpose of at all criticising his draft—but for the purpose of getting his view upon the question whether or not the proviso already existing in article eighty-two of part two of the Constitution, which was inserted in 1877, as the gentleman from Concord, Mr. Niles, has suggested, does not in substance cover what he proposes in the last paragraph of his draft, to which I would invite the attention of the committee.

“No public money or property shall be appropriated for, or applied to, the use of, or the support of, any religious establishment,” etc.

The proviso in the Constitution, article eighty-two, as it stands to-day, is this: “Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination.” I am referring, of course, to article eighty-two, which is for the “encouragement of literature,” etc. As I understand the remarks of the gentleman from Bow, Mr. Baker, this morning, his point is that the existing proviso does not include money which may come into the treasury of the state by means other than by taxation. I think his point there may be well taken, but the concrete question I desire to ask is, whether or not it would not be wise to strike from his present draft everything down to the word “preference,” which covers this general subject I am talking about, and insert in the present proviso of article eighty-two, part two, words which will cover the idea, so there shall not be two articles in the Constitution relating to the same general subject, but have it all in one. My suggestion would be to strike that out of the present draft submitted by the gentleman from Bow, Mr. Baker, commencing with line twenty-one and ending with line twenty-four, and then carry the non-taxation and non-appropriation phraseology over into

the present proviso of article eighty-two, and insert it there in appropriate language.

Mr. Baker of Bow—The purpose announced by the gentleman from Littleton is exactly my purpose. The only difference is the difference of location in the Constitution. Upon that point I have no preference whatsoever. I am perfectly willing that that clause should be taken out in my draft and inserted as an amendment to article eighty-two; but, to my mind, it is of importance that the language of section eighty-two shall be enlarged upon so that there may be no doubt about what is meant by that proviso.

We have a practical object lesson before us to-day. We have the Thompson fund in charge of the treasurer of the state. It is not money derived from taxation, but it is money that belongs to the state and should not be appropriated for religious or denominational purposes. Do you want to leave the Constitution in such form that the Thompson fund could in some hazy future be appropriated for the purpose of assisting any denomination?

Mr. Chandler of Concord—As a Unitarian, I should like to ask some theological person whether or not the word “evangelical” is sectarian, and if it is sectarian, why it is sectarian. I confess to profound ignorance upon that point.

Mr. Aldrich of Littleton—Of course, I see to what committee this is going, and I am reminded by the query of the gentleman from Concord, Mr. Chandler, that it is proposed to send this theological question to the committee of which I am chairman, and the result would be that such committee must take the initiative in deciding this delicate question. Now we are all agreed—the distinguished gentleman from Bow, Mr. Baker, and my distinguished young friend from Concord, Mr. Niles—as to the phraseology, provided we settle upon the question whether the word “evangelical” shall come out and the word “Christian” come in, or whether both shall be left out. The point is, I believe, as some think,

that "evangelical" does not include the Catholic faith. The gentleman from Concord, Mr. Niles, insists upon phraseology which shall include the word "Christian" which does include the Catholic faith. The point of the gentleman from Bow, Mr. Baker, is that that still leaves a certain class of people out, and excluded from the immunity which is intended, or which it is believed should be extended. There is a particular question here that is to be discussed, and why not discuss it in this committee. Perhaps not now, but at some time when we have a full committee. I hope the motion that the committee rise and refer this subject directly to the standing committee, of which I am chairman, will not prevail. Let the question first be decided here. The only substantial question is the one I have stated. And that is a question eminently fit and proper to be first decided here in Committee of the Whole, and then your standing committee, under the advice of the Committee of the Whole, can undertake a new draft which shall meet the sense of this body.

I do not say it should be discussed now if the gentleman from Concord, Mr. Niles, says he is not prepared at this time to discuss it, or, that he wishes to discuss it in a full body, but let it stay where it is and take the sense of this body, and then a draft may be made in a very short time by the Committee on Bill of Rights and reported back to the Convention. For these reasons, I hope that the motion in its present form will not prevail.

Mr. Lyford of Concord—The object sought by the gentleman from Littleton, Mr. Aldrich, is the same object sought by me in making my motion, and that is to bring this discussion before the Committee of the Whole, that we might decide these various questions raised. If it is not the time now, and this Convention is not full enough, the gentleman from Concord, Mr. Niles, can withdraw his motion with the privilege of renewing it at some subsequent time when the Convention goes into a Committee of the Whole with a larger number of members present.

there being no objection.

Mr. Chandler of Concord—I now move to take from the table the resolution which I offered this morning, relating to the taking of a vote upon the reduction of the house of representatives and the basis of representation.

(Motion prevails.)

Mr. Chandler of Concord—My principal motive in offering the resolution was to suggest to the Convention that it would be wise to decide, before separating to-day, upon the time next week when the question of the reduction of the house of representatives and of fixing the basis of representation shall be voted upon. It is desirable, as it is the main question before this Convention, that all the members who can shall be here, and that result will be best obtained by having it understood when next week the vote is to be taken.

I have suggested that we should vote on three propositions. First, the proposition to have a house of 300 members; second, the proposition that the district system be adopted (upon which, I desire to say, its friends wish to vote), and third, if that proposition is voted down, then to vote upon the number necessary under the town system for first representative, and for second representative, and so on. The numbers I have left blank, because when the order is reached the first thing will be to vote upon the filling of those blanks.

I am not at all particular about this order of proceeding. It is the best I can think of. But I do advise the Convention to fix a time before we adjourn to-day for voting next week upon the size of the house and the basis of representation, for I notice even to-day there is not a full attendance. I suppose no member expects we shall vote to-day.

Mr. Baker of Bow—I would like to ask through you, Mr. President, the gentleman from Concord, if he would be willing to change the words “three hundred” in the first part of his order, and insert in lieu of that “one hundred and fifty,” with the provision that when we vote on that number if that fails we add twenty-five, and vote again, and so on, until the Convention agrees upon some figure.

Mr. Chandler of Concord—I had not the slightest idea that the Convention would agree to much less than three hundred for the size of the house of representatives. I would be perfectly willing to strike “three hundred” out, and leave a blank to be filled by the Convention, in the same way as the others are filled. I do not know what the rule would be, whether the vote should be on the largest number first or on the smallest number. I do not know whether one hundred and fifty would prevail over three hundred, or three hundred over one hundred and fifty. I would be willing, however, to strike the words “three hundred” out and leave a blank.

The President—It is the impression of the chair that in

particular reason why we should not have an afternoon and an evening session both, for we all want to get through with the business and get home, but at the same time do the business carefully and not eliminate discussion. There are several matters that have been referred to committees and have not been reported back from those committees, which matters could be considered either to-day or Monday. If the gentleman from Concord will withdraw his motion for a moment, I would like to move that when we adjourn to-day we do so to meet at 3 o'clock Monday afternoon.

Mr. Chandler of Concord—I am not particular about the time when the Convention votes on this question. I have made my suggestion, which may be rejected or accepted by the Convention and I shall not be displeased. But what I

do say is that we ought to know to-day when next week we shall cast those votes.

Now the motion of the gentleman from Bow does not determine that, but raises another question—whether we shall meet here at 3 o'clock on Monday and go on with the business. I am in favor of that, and I think the President of the Convention will allow me to state that the suggestion he made to the gentleman from Bow, Mr. Baker, and myself, was that we meet Monday afternoon at 3 o'clock and go on with this subject, and get a vote on Tuesday instead of on Wednesday. I do not see any reason why we should not have a meeting Monday afternoon, if the delegates are willing to come here.

As to the question of the time when we shall take the vote, as I have already said, I am not particular, but one of the delegates has suggested to me that it ought to be as late as Thursday. I beg, however, to remind the Convention that time is rapidly passing, and we shall be obliged to be in session some portion of the week after next, I think, unless there is a great slaughter here of amendments next week, and if we are going to do that we had better begin it on Monday.

I have no objection to the gentleman from Bow moving, whenever he sees fit, that when we adjourn we adjourn to meet on Monday afternoon, but I think that this other motion can be disposed of before that.

Mr. Baker of Bow—It was my intention that the motion of the gentleman from Concord, Mr. Chandler, would immediately follow the one I made, and I made it in order to bring it to the attention of the Convention.

I now move that the resolution offered by the gentleman from Concord, Mr. Chandler, be amended by striking out in that resolution "Wednesday next" and that "Tuesday next, at half-past two" be inserted in place thereof.

Mr. Kent of Lancaster—I hope that the gentleman from Bow, Mr. Baker, will withdraw his amendment. I know it is exceedingly difficult to oblige every one in a matter of this



sort, but it seems to me that the wiser way is to give every one an opportunity as far as possible. There are some of our members, all of whom want to be here, and some of whom I know might not be able to be here on Tuesday and might be able to be here Wednesday. I do not think anything can suffer by delaying this matter until Wednesday. If we are going to pass a resolution in amendment of the Constitution that is going to meet the approval of the people, it is going to come after very full discussion, expression of opinion, and a compromise of all minds.

We must bear in mind that we, members of this Convention, are but a small part of the people, and when this Convention decides, by a majority of the members, that a certain amendment for the reduction of the house is one that should be made, that vote here does not represent a very large percentage of the actual voters of the state of New Hampshire. The only relevancy of this to the question before us is that it seems to me there should be the fullest discussion about this matter, and that all may feel no one has been choked off and every opportunity has been given for a full, free, and open discussion of all sides of this question. I further feel that the middle of the week, Wednesday, would be the best day of the week upon which to take this vote. I am quite sure a larger attendance would greet the settlement of this question on Wednesday afternoon than it would on Tuesday afternoon, and I trust that the amendment may be withdrawn to substitute Tuesday instead of Wednesday. If it is not withdrawn, then I hope the amendment will be voted down and that the original motion will prevail.

Mr. Wingate of Stratham—For information, I wish to inquire if there is not a little discrepancy in the order in which the resolution of the gentleman from Concord, Mr. Chandler, for the taking of votes upon this question is put. I understand that the order he suggests is that we first vote on the question of reducing the house and the number to which it should be reduced, and then on the question of

whether the district system shall be used. Now if the Convention adopts the district system, there is no trouble in fixing the size of the house at 300; but if it does not adopt that system, it does seem that any vote which has been made to fix the size of the house at any exact number would be futile. I make this inquiry, not in any way of objection, but merely to suggest that the vote on fixing the size of the house should come after the vote on whether the district system should be adopted.

Mr. Pillsbury of Londonderry—I would call for the reading of the order.

The President—The original order, submitted by the gentleman from Concord, Mr. Chandler, is as follows:

1. The house of representatives shall consist of 300 members.
2. The members of the house of representatives shall be elected under a district system.
3. The number of inhabitants required for the first representative under the town system shall be —, and the number required for a second representative shall be —.

Mr. Pillsbury of Londonderry—The gentleman from Stratham, Mr. Wingate, anticipated the question which I had also intended to ask the gentleman from Concord, Mr. Chandler. It seems to me if we adopt any arbitrary number of representatives first, we have then practically adopted the district system, and I would suggest that the gentleman change the order so that we shall first vote on the system which we will adopt—either the town or the district system—and then we can arrange the number of representatives to correspond with the system we have adopted. If we should adopt the town system, any of the schedules submitted will not allow the arbitrary number of 300 or 250, or any other number. It may be very near that number, but it would not be *it* exactly. I will ask the gentleman from Concord, Mr. Chandler, if he insists on having the votes in the order in which he has

arranged them, and if he would not permit the order to be, to vote upon the district system first, and then upon the number of representatives that the house shall consist of.

Mr. Chandler of Concord—I have no objection to that, if the Convention prefers it, but the original order seemed to me to be the natural order. It seemed to me best for the Convention to say first whether it wanted to reduce the house of representatives, and if so, how much. That is all there is in the first question, Shall the house of representatives be reduced, and if so, how much shall it be reduced. When the Convention has decided how much it shall be reduced, then the Convention can go on and decide whether or not it will make the reduction through the district system or under the present town system. If the latter, it would then be necessary to fix the number for the first representative, and the second representative, and so forth.

I understand very well that it appears from the various tables that have been printed, how much it would be necessary to have for each representative in order to reduce the house to about 300 members. That is, every calculation that has been made and presented here shows what the result would be.

I, however, only made the suggestion of this order, and would be entirely willing to have the question whether we should adopt the district system voted upon first, it being well understood that the whole object of this business is to reduce the house of representatives.

The gentleman sitting beside me has suggested that the ladies have been given the privilege of a hearing on Tuesday afternoon, on the question of woman suffrage, or some other of the things that the ladies desire.

Mr. Pillsbury of Londonderry—Do I understand that the gentleman from Concord assents to the change of the order?

The President—The gentleman from Concord, Mr. Chandler, assents to the change of the order. What shall be the order as changed?

Mr. Chandler of Concord—The second paragraph first, and the first second.

Mr. Fairbanks of Cornish—Of course the gentlemen of this Convention realize that we are having quite a storm in Concord, and usually under the circumstances it is a great deal heavier back in the country, and it may not be possible, under the present conditions of a heavy snow storm, to get back here as early as Tuesday. I think it would be far better to have the vote on Wednesday, and I hope the vote with reference to representation will not be taken up before Wednesday.

Mr. Baker of Bow—I will withdraw my motion.

The President—The gentleman from Bow, Mr. Baker, withdraws his motion that the resolution of the gentleman from Concord, Mr. Chandler, be amended by substituting Tuesday for Wednesday. The question recurs to the original resolution, which is that the order for voting presented by the gentleman from Concord, Mr. Chandler, which has been changed by arrangement so that the second proposition is to be voted upon first, and the first one second,—that that resolution be taken up and acted upon on Wednesday next at 12 o'clock. Is the house ready for the question?

(Question is put and motion prevails.)

Mr. Baker of Bow offered the following resolution:

*Resolved*, That when the Convention adjourns it adjourn to meet at 3 o'clock Monday afternoon, December 8.

(Motion prevailed.)

Mr. Madden of Keene offered the following proposed amendment to the Constitution:

*Resolved*, That the Constitution be amended as follows: By striking out articles nine and ten of the second part of the Constitution and inserting the following:

ART. 9. There shall be in the legislature of this state a representation of the people, biennially elected, founded upon principles of equality to consist of 350 members. Every town and city in the state may elect one representative. The remaining number necessary to make up 350 members shall be apportioned among the different cities of the state in proportion to the population thereof.

Ordered printed and referred to Committee of the Whole to be considered with other amendments of a like character.

On motion of Mr. Warner of Antrim, the Convention adjourned.

### AFTERNOON.

The Convention met according to adjournment.

(The President in the chair.)

Mr. Clyde of Hudson offered the following resolution:

*Resolved*, That article five, part second of the Constitution, be hereby amended as follows:

Provided also that the people hereby reserve to themselves power to propose laws and amendments to the Constitution, and to enact or reject the same at the polls, independent of the said general court, and also reserve power at their own option to approve or reject at the polls any act of the said general court. The first power reserved by the people is the initiative, and not more than five per cent. of the legal voters of the state shall be required to propose any measure by such petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon. The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health, or safety, support of the state

government and its existing public institutions), either by petition, signed by five per cent. of the legal voters, or by the general court as other bills are enacted. Referendum petitions shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislative assembly which passed the bill on which the referendum is demanded. The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people of the state shall be had at the biennial regular general elections, except when the general court shall order a special election. Any measure referred to the people shall take effect and become the law when it is approved by a majority of the votes cast thereon, and not otherwise. The style of all bills shall be: "Be it enacted by the people of the state of New Hampshire." This section shall not be construed to deprive any member of the general court of the right to introduce any measure. The whole number of votes cast for governor at the regular election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. Petitions and orders for the initiative and for the referendum shall be filed with the secretary of state, and in submitting the same to the people he and all other officers shall be guided by the general laws and the act submitting this amendment until legislation shall be especially provided therefor.

Authority is hereby given the general court to empower the cities of the state to apply the principles of the initiative and the referendum to the acts of their legislative assemblies.

All parts of the Constitution shall be construed in accord with this amendment.

On motion of the same gentleman, the resolution was laid upon the table to be printed and taken up as a special order immediately following that of Mr. Chandler of Concord, relating to "Trusts," whenever that might be.

. On motion of Mr. Briggs of Manchester, the Convention adjourned.

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MONDAY, DECEMBER 8, 1902.

The Convention met according to adjournment.

(The President in the chair.)

The reading of the journal of the preceding day was begun, when, on motion of Mr. Barton of Newport, the further reading was dispensed with.

The President addressed the Convention as follows:

Gentlemen of the Convention: We have learned with deep regret of the decease of one of the most distinguished statesmen of the country. And it seems that some recognition of that fact should be taken by this Convention.

To that end the gentleman from Concord, Mr. Hollis, offers the following resolution:

*Resolved*, That this Convention has learned with profound sorrow of the sudden death at Washington of the Hon. Thomas B. Reed, who although then a private citizen, has been distinguished as a representative in congress and speaker of the national house of representatives. His profound integrity, his fearlessness of conduct, and his high character in every respect, commanded wide admiration, and his death, at the height of his intellectual powers, is recognized by us as a national loss.

The resolution was unanimously adopted by a rising vote of the Convention.

The President appointed the following Committee on Mileage:

Mr. Knight of Milford.  
 Mr. Walker of Newmarket.  
 Mr. Leighton of Dover.  
 Mr. Clarke of Center Harbor.  
 Mr. Hersey of Wolfeborough.  
 Mr. Miller of Pembroke.  
 Mr. Wright of Keene.  
 Mr. Burpee of Grantham.  
 Mr. Glazier of Landaff.  
 Mr. Ripley of Stewartstown.

The President appointed the following Committee on Finance:

Mr. Clement of Manchester.  
 Mr. Melvin of Lyme.  
 Mr. Emery, S. P., of Portsmouth.  
 Mr. Nealley of Dover.  
 Mr. Pulsifer of Laconia.  
 Mr. Hobson of Conway.  
 Mr. Lamprey of Concord.  
 Mr. Davis of Winchester.  
 Mr. Ide of Croydon.  
 Mr. McKellips of Northumberland.

Mr. Howe of Concord offered the following resolution:

*Resolved*, That the Constitution be so amended that the house of representatives shall consist of 250 members, which shall be apportioned by the legislature, at the first session after a United States census, to the several counties of the state, equally, as nearly as may be, according to their population as ascertained at the next preceding United States census. The state board of equalization shall seasonably, after each assignment of representatives to each county, proceed to divide the counties into representative districts of contiguous territory, so as to apportion the representatives assigned to each county, equally, as nearly as may be, accord-



**Constitutions and Laws of the various states of the Union;  
Memorandum by Mr. Chandler, concerning the prohibition  
of Free Passes on Railroads by the Constitutions and Laws  
of the various states of the Union.**

**A REVIEW OF ORGANIC LAW DEVELOPMENT.**

**(By Mr. Justice William M. Chase.)**

The form of government established by Great Britain for the colony of New Hampshire came to an end in 1775. Governor Wentworth and some of his councilors then fled from the colony and the people were left to govern themselves. A Convention convened in Exeter in May, composed of delegates from 102 towns which, in accordance with the advice of the general congress, called a Convention to establish a

form of government. It provided that the electors of representatives to this Convention should possess real estate of, at least, £20 value, and that each candidate for representative should possess real estate of the value of £300; that towns should be entitled to one representative for each group of 100 families; and that the representatives should be empowered by their constituents to assume government as recommended by the general congress. Representatives having been chosen accordingly, they met in convention or congress, as they termed it, at Exeter, and, on the 5th day of January, 1776, adopted a plan of government or Constitution. It has been asserted that Virginia was the first of the colonies to adopt a written Constitution; but its Convention did not assemble until May, 1776, and New Hampshire is entitled to that distinction. This Constitution is very brief, containing only about 900 words, and nearly one half of these are in the preamble. Its brevity is more apparent when it is compared with the present Constitution, which contains nearly 11,000 words. It deals with few subjects, and is very general in its terms. After setting forth some of the wrongs the people had suffered under British rule, and noting the fact of the sudden departure of Governor Wentworth, and the absence of legislative and executive authority resulting therefrom, the preamble continues as follows: "Therefore for the preservation of peace and good order, and for the security of the lives and properties of the inhabitants of this colony, we conceive ourselves reduced to the necessity of establishing a form of government, to continue during the present unhappy and unnatural contest with Great Britain, protesting and declaring that we never sought to throw off our dependence upon Great Britain, but felt ourselves happy under her protection while we could enjoy our Constitutional rights and privileges, and that we shall rejoice if such a reconciliation between us and our parent state can be effected as shall be approved by the continental congress, in whose prudence and wisdom we confide."

Its first provision was in these words: "Accordingly,

pursuant to the trust imposed in us, we do resolve that this congress assume the name, power and authority of a house of representatives, or assembly for the colony of New Hampshire. And that said house then proceed to choose twelve persons, being reputable freeholders and inhabitants within this colony, . . . to be a distinct and separate branch of the legislature, by the name of a council."

Its other principal provisions were in substance, that no act or resolve should be valid unless passed by both branches of the legislature; that all bills, resolves or votes for raising, levying and collecting money should originate in the house of representatives; that all civil officers of the colonies and the counties, except clerks of court, county treasurers and recorders of deeds, and all general and field officers of the militia and all officers of the army except in cases of emergency, should be appointed by the two houses; that the clerks of court should be appointed by the justices thereof; that a county treasurer and recorder of deeds should be chosen annually by the people of each county; and that precepts should issue on or before the first day of November in each year, for the choice of a council and house of representatives, to be returned by the third Wednesday in December then next ensuing.

It will be noticed that there was no provision for separate executive and judicial departments of government, and that no restraints were placed upon the council and assembly in any direction. These two bodies had full power to exercise all the legislative, executive, and judicial functions of government. This was in accordance with a theory of government then entertained by some of the leading men of the times. It is said that Franklin and Samuel Adams favored it; and the principle was adopted in the first Constitutions of Pennsylvania and Georgia.

This Constitution was not submitted to the people; but, as has already been intimated, went into effect upon its adoption by the Convention, the members of which were clothed with full authority for the purpose. Although adopted as a tem-

porary measure, it continued in force until the first Wednesday of June, 1784,—a period of nearly eight years and a half. The council and assembly while in session exercised executive authority; and at every adjournment they appointed a Committee of Safety, consisting of from six to sixteen persons, to act during the recess. By an act passed July 5, 1776, they established courts of law. They changed the name from the colony of New Hampshire to the state of New Hampshire, September 19; and early in the next year, to remove all doubts on the subject, they reestablished the general system of laws that was in force when the Constitution was adopted, in so far as the laws were not repugnant to the provisions of the Constitution.

During the existence of this Constitution, the legislature raised money by taxation and loans and appropriated it to public uses, and passed laws relating to marriages, the care of paupers, the regulation of highways, the establishment and regulation of the militia, the punishment of crimes,—in short, acted upon all subjects that required legislative action. The statutes so passed covered more than 300 quarto printed pages. The maintenance of civil government under a fundamental law so incomplete, imperfect, and weak as was this Constitution, for so long a period, during which the stress and demoralization attending a war of revolution existed, shows that the people generally recognized and respected the rights of individuals and were able to control their ambitions and jealousies for the common good. Notwithstanding they had rebelled against the existing government, they were a law-abiding people.

A second Constitutional Convention was called by a vote of the assembly, February 25, 1778, and met at Concord, June 10. Nearly all of the towns were represented. Among the delegates were George Atkinson, John Langdon, Nathaniel Folsom, Matthew Thornton, John Bell, Timothy Walker, Timothy Farrar, and Joseph Badger. Atkinson was the president. The convention agreed upon a Constitution June 5, 1779. This contained a preamble referring to the

apportioned among the counties and towns substantially the same as under the temporary Constitution. The president of the council was to hold correspondence with other states or persons, call the council together whenever occasion required, and, with the advice of three or more members of the council, call the house together. The other provisions related to the manner of conducting elections, the appointment of officers, and other details of government. While the plan of government was set forth more in detail than in the temporary Constitution, it did not differ in principle from the plan therein set up. This Constitution was rejected by the people.

A third Convention was called by the concurrent action of the council and assembly, April 6, 1781. It met in Concord on the second Tuesday of June, and continued in existence

until October 31, 1783, a period of two years and four months. It held seven sessions and submitted three drafts of a Constitution to the people, the first two of which were rejected and the last was adopted. The first draft, which was the basis of the other two, was modeled after the Constitution adopted by the people of Massachusetts in 1780. In fact, the most of its provisions were copied from that Constitution almost word for word. The authorship of the Massachusetts Constitution is therefore a matter of special interest to us.

The original draft of that Constitution was prepared by John Adams, and but few changes were made in it prior to its adoption by the people. Governor Bullock, in an address before the American Antiquarian society in 1881, said concerning Mr. Adams' qualification for this work: "As constitutionalist and publicist, all other men of his day came at long intervals behind him. Madison and Hamilton were a development of the ten years which followed the full manifestations of his powers. Beyond all of his associates in mastery of the whole subject of government, grasping and applying the lessons of historical studies with a prehensile power at that time unprecedented on this continent, and adding to them the original conception of a mind of the highest order, he proved of all his contemporaries fittest for Constitutional architecture. Having discerned five years before, in advance of everybody, the solution of independence in directing the colonies to establish local governments, he became doctrinaire to the delegates at Philadelphia. In the confusion and chaos of thought relating to these subjects which brooded over their minds his counsel was sought by delegates from North Carolina, from Virginia, from New Jersey, to each of whose delegations he furnished formulas of state government; and when he came to the front in the preparation of a Constitution for his own state, his mind was already stored for the emergency. His share in framing our own government, and his subsequent writings in defense of the general system adopted by the American states, in

future encroachment. They founded their government on the consent of the governed. They recognized the fact that in giving consent and entering into government the people must surrender some of the rights they might otherwise enjoy, in order to protect other; but they attempted to limit the surrender to the absolute requirements of the change. Some of the rights declared are traceable to the great charter of King John, granted in 1215. Articles fourteen and fifteen correspond with articles thirty-nine and forty of that charter, which are as follows:

“39. No freeman shall be taken or imprisoned, or dismissed, or outlawed, or banished, or any ways destroyed, nor will we pass upon him, nor will send upon him, unless by the lawful judgment of his peers, or by the law of the land.


“40. We will sell to no man, we will not deny to any man, either justice or right.”

The sixth article, recognizing the dependence of the government's safety upon the morality and piety of its citizens, empowered the legislature to authorize towns, parishes, and religious societies to select and maintain Protestant teachers of piety, religion, and morality, with the limitation that no person should be compelled to contribute to the support of the teacher of a denomination or sect to which he did not belong, and that all denominations and sects should stand on the same footing before the law. This article differed from the corresponding article in the Massachusetts Bill of Rights in this: By the latter, the legislature was empowered to require towns, etc., to select and maintain such teachers, and to enjoin upon all the subjects of the state an attendance upon their instructions. Evidently, Puritanism did not have quite so strong a hold upon the people of this state as it did in the state it had so great a part in settling and founding. With the exception of this article, and the articles (seven, eighteen, and twenty-one) declaring the right of the people to govern themselves, the correspondence that should exist between the punishment and the nature of the crime to which it is affixed, and the care that should be taken in selecting jurors, the Bill of Rights was substantially the same as that of the Massachusetts Constitution, although the phraseology and the order of arrangement were in some parts slightly changed. It included all the declarations of the Bill of Rights in the Constitution prepared by the prior Convention.

The principle on which the plan of government is constructed in the three drafts is the division of the functions of government into three distinct departments, each independent of the others,—the legislative, the executive, and the judicial. The details of the plan are like those of the Massachusetts Constitution except in a few particulars, mostly attributable to the differences in the population and other circumstances of the two states. The Massachusetts Constitution empowers the legislature to impose and levy reasonable duties and excises. This power was never delegated to the



in the last. The veto power was conferred upon him in the first two drafts, but was withheld in the last. The following curious provision appears in the second draft: "To prevent an undue influence in this state, which the first magistrate thereof may acquire by the long possession of the important powers and trusts of that office, as also to stimulate others to qualify themselves for the service of the public in the highest stations, no man shall be eligible as governor of this state more than three years in any seven." The necessity for a stimulus of this kind has long since ceased, if indeed it was then required. By the last draft, the governor, or, as the officer was then named, the president, was to preside in the senate, and had the same right to vote therein as the senators had. Appointments to office were made by the president and council, instead of by the president with the



advice of the council. The members of the council were chosen by the legislature by joint ballot, two of them from members of the senate, and three from members of the house.

The judicial powers and duties were alike in the three drafts. The tenure of office of judicial officers was during good behavior, but they were subject to removal by the governor and council upon address by both houses of the legislature.

Among the other provisions were the requirement in the first one of a property qualification to entitle one to vote,—the having of an estate of £100,—and the requirement in all that persons to be eligible to the office of governor, senator, and representative must be of the Protestant religion, and must be seized of an estate of a certain value. In the first draft the value was £1,000 for the office of governor, £400 for the office of senator, and £200 for the office of representative; and in the other two, the values were one half these sums. All three drafts provided that the senate and house of representatives should elect delegates to congress to serve for one year. They also contained a provision making it the duty of legislators and magistrates to cherish the interest of literature and the sciences and all seminaries and public schools, to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality in dealings, sincerity, sobriety, and all social affections and generous sentiments among the people.

The last draft submitted by this Convention was approved by the people in 1783, and went into effect on the first Wednesday of June, 1784. It has been amended from time to time in certain particulars, and, as amended, is still the Constitution of the state. People sometimes speak of “the Constitution of 1792,” but a new Constitution was not adopted in that year, and the designation is a misnomer. The state has had only two Constitutions, that of 1776 and that of 1783.

A Convention for revising the Constitution duly called,

civil causes in which the damages demanded do not exceed four pounds, and the title to real estate is not concerned; the introduction of a provision for dividing a county into two districts for registering deeds; and the abolition of the provision for electing delegates to congress. Among the amendments rejected there was one for changing the time of the sessions of the legislature to the last Wednesday of October, and one for changing the number of members of the senate to thirteen.

Nearly sixty years elapsed before another Constitutional Convention was held,—that of 1850,—which assembled at Concord, November 6. Of this Convention Franklin Pierce was president and Col. Thomas J. Whipple was secretary. It proposed many radical changes, among which were: the adoption of biennial elections and biennial sessions of the

legislature; the increase of the senate to thirty members, to be elected by fifteen districts; the creation of the office of lieutenant-governor; the abolition of the council; the election by the people of secretary of state, treasurer, judges of the supreme, county, police, and probate courts, attorney-general, railroad commissioners, superintendent of schools, and commissioner of agriculture; the limitation of the tenure of office of judges of the supreme court to six years; and the requirement that a sum not less than \$125 for every dollar of state taxes should be assessed and collected each year for the support of free common schools. All the amendments upon these subjects were rejected by the people by votes varying from the ratio of nearly two to one to that of five to one. This Convention later submitted three amendments,—one abolishing the religious test, one abolishing the property qualification of persons for election to the office of governor, senator, and member of the house, and one as to future amendments. The one relating to the property qualification only, was approved.

The fifth Convention assembled at Concord, December 6, 1876, and was in session 11 days. Daniel Clark presided over it. It submitted thirteen propositions to the people, all of which were approved save two. The results were the abolition of the religious test as a qualification for office; the adoption of biennial elections and biennial sessions of the legislature; the change of the time of holding state elections from March to November; the increase of the senate to twenty-four members; a substantial reduction in the membership of the house; the grant of authority to the general court to provide for the trial of appeals from justices of the peace and of causes in which the value in controversy does not exceed \$100 and title to real estate is not concerned, without the intervention of a jury, and also authority to increase the jurisdiction of justices of the peace to \$100; the election of registers of probate, solicitors, and sheriffs by the people; and the prohibiting of the legislature from authorizing towns to loan or give their money or credit to corporations.

are very few citizens that do not feel that the house is too large to secure the best quality of membership and the best results of deliberation. As has been said, in the first draft of the Constitution prepared by the Convention of 1781-'83, the number was fixed at fifty. Perhaps this number was too small then, and it would be too small now. The method of selection also was objectionable, because of its complication and cumbersomeness. The effort made in the plan finally adopted to give each of the smaller towns a representative—an effort that has been repeated in later Conventions when the subject has been considered—is the principal cause of the existing defect. Viewing the question from the standpoint of justice, if 600 inhabitants ought to have one representative, 1,200 ought to have two, and so on. But the adoption of such a rule in connection with town representation would

make the house unwieldly, and hence it became necessary to give the larger towns a less representation relatively than is given to the smaller towns. Under the present provision, Bow with a population of 617 is entitled to one representative, while Ward five in Concord, with a population of 2,609—more than four times that of Bow—is entitled to only two—the mean increasing number of inhabitants for each additional representative above one being 1,200. This inequality cannot be removed until the people are ready to ignore town lines in fixing the basis of representation. Massachusetts has done this, limiting the number of members of the house to 240, and providing that they shall be apportioned among districts so as to approximate equality of representation. This state will probably sometime again imitate the action of Massachusetts by adopting a similar basis of representation, but the people are not ready for it yet. Their attachment to their respective towns and the ambition of individuals to be representatives are too strong to allow such a change to be made. All that can now be hoped for is the adoption of some compromise basis that will reduce the house to a number which can be reasonably accommodated in the representatives' hall.

I am inclined to think that the change introduced by the Convention of 1876, making the offices of register of probate, county solicitor, and sheriff elective instead of appointive was a step backwards. The incumbents of these offices should be selected with care, and the selection should depend upon their qualification, inclination, and fitness to perform the duties of the office. It is doubtful, to say the least, if the Convention of a political party, influenced as it is so liable to be by the efforts of individuals seeking office, and by considerations of partisan policy, should be entrusted with making the selection of such officers.

But these are minor defects, comparatively speaking. They do not threaten the stability of government. They relate to forms, rather than substance. There are questions of far greater moment awaiting solution,—questions as to the rela-

poral government. The results will depend largely upon the education and moral sense of the community. The church and the schools are the most effective institutions in the great work. When knowledge and learning, in a large and broad sense, have become generally diffused through the community, and the moral sense of its members has become sensitive to the requirements of the Golden Rule and causes willing compliance therewith, most of the defects in government will cease, and the dawn of the millennium will be reached. If Christ does not then rule in person, His spirit will govern the civil as well as the spiritual relations of mankind.

MEMORANDUM PRESENTED BY MR. CHANDLER OF  
CONCORD, CONCERNING THE PROHIBITION OF  
TRUSTS AND MONOPOLIES BY THE CONSTITU-  
TIONS AND LAWS OF THE VARIOUS STATES OF  
THE UNION.

Alabama—The laws of 1883, page 152, prohibit the pooling of freights by railroads “whereby trade is restrained by the establishment of extortionate rates and the prevention of free competition.”

By the act of February 18, 1897, combinations by insurers to raise rates of insurance are forbidden.

Arkansas—The laws of 1897, article forty-six, and the laws of 1899, article forty-one, prohibit combinations of trusts and corporations, and provide for the punishment of pools, trusts, and conspiracies to control prices.

California—None.

Colorado—None.

Connecticut—None.

Delaware—None.

Florida—None.

Georgia—The act of December 23, 1896, has the following title:

An act to declare unlawful and void all arrangements, contracts, agreements, trusts, or combinations made with a view to lessen, or which tend to lessen, free competition in the importation or sale of articles imported into this state, or in the manufacture or sale of articles of domestic growth or of domestic raw material; to declare unlawful and void all arrangements, contracts, agreements, trusts, or combinations between persons or corporations, designed, or which tend to advance, reduce or control the price of such product or article to producer or consumer of any such product or article; to provide for forfeiture of the charter and franchise of any corporation organized under the laws of this state, violating any of the provisions of this act; to prohibit every foreign cor-



[Adopted August 6, 1889.]

Illinois—By law of June 11, 1891, and law of June 20, 1893, pools, trusts, combines, and conspiracies against trade are prohibited.

Indiana—By law of 1897, chapter 104, and law of 1899, chapter 148, trusts or combinations to lessen free competition, or to control the price of products, are prohibited.

Iowa—By the code of 1897, sections 5060 to 5067, combinations to regulate or fix prices, or to lessen production or manufacture, are prohibited.

Kansas—By law of March 5, 1887, combinations to fix the price of grain or animals are forbidden, and by acts of March 2, 1889, March 8, 1897, and March 4, 1899, trusts and combinations in restraint of trade and production are forbidden and punished.

Kentucky—By act of May 20, 1890, pools, trusts, and con-

spiracies for fixing prices or limiting production are forbidden and punished.

The Constitution of Kentucky contains the following section:

198. Trusts and combinations to be suppressed. It shall be the duty of the general assembly from time to time, as necessity may require, to enact such laws as may be necessary to prevent all trusts, pools, combinations or other organizations from combining to depreciate below its real value any article, or to enhance the cost of any article above its real value.

Louisiana—The Constitution, article 190, provides that it shall be unlawful for persons or corporations, or their legal representatives, to combine or conspire together, or to unite or pool their interests for the purpose of forcing up or down the price of any agricultural product or article of necessity, for speculative purposes; and the legislature shall pass laws to suppress it.

Maine—Chapter 266, Session Laws of 1889, prohibits trusts and combinations that are contrary to public policy.

Maryland—None.

Massachusetts—None.

Michigan—The law of July 1, 1889, act 225, and the law of September 22, 1899, prohibit and punish combinations to limit production, prevent competition, or fix prices.

Minnesota—The law of April 20, 1891, chapter 99, and the law of April 21, 1899, chapter 359, prohibit and punish trusts to control prices or production, or to destroy competition.

Mississippi—The code of February 22, 1890, chapter 140, prohibits and punishes trusts and combines to affect prices or production or to hinder competition.

The Constitution, section 198, is as follows:

The legislature shall enact laws to prevent all trusts, combinations, contracts, and agreements, inimical to the public welfare.

[Adopted November 1, 1890.]

ness intended to fix prices, production, or prevent competition, are prohibited by the laws of 1897, chapters seventy-nine, eighty, and eighty-one.

Nevada—None.

New Hampshire—None.

New Jersey—None.

New York—Monopolies whereby competition in the supply or price of commodities is restrained are prohibited by the law of 1897, chapter 384, and by the law of May 25, 1899, chapter 690.

North Carolina—Constitutional provision—"Perpetuities and monopolies are contrary to the genius of a free state and ought not to be allowed." Article one, section thirty-one.

Statutes. Law of March 11, 1889, chapter 374, law of March 8, 1899, chapter 666.

North Dakota—Constitutional provision, article seven, section 146. Any combination between individuals, corporations, associations or either, having for its object or effect the controlling of the price of any product of the soil or any article of manufacture or commerce, or the cost of exchange or transportation, is prohibited and hereby declared unlawful and against public policy; and any and all franchises heretofore granted or extended, or that may hereafter be granted or extended in this state, whenever the owner or owners thereof violate this article, shall be deemed annulled and become void.

[Adopted October 1, 1889.]

The statutes of North Dakota punish trusts and combinations. Revised codes, chapter one; law of March 9, 1897, chapter 141.

Ohio—The law of April 19, 1898, defines trusts and punishes corporations and persons connected with trusts and requires free competition in commerce and all classes of business in the state.

Oregon—None.

Pennsylvania—None.

Rhode Island—None.

South Carolina—The law of February 25, 1897, prohibits trusts and combinations and provides penalties. The Constitution contains the following:

Article nine, section thirteen. The general assembly shall enact laws to prevent all trusts, combinations, contracts, and agreements against the public welfare; and to prevent abuses, unjust discriminations, and extortion in all charges of transporting and transmitting companies; and shall pass laws for the supervision and regulation of such companies by commission or otherwise, and shall provide adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their franchises.

[Adopted December 4, 1895.]

South Dakota—Punishes combinations and trusts by laws of March 7, 1890, and March 1, 1897.

**Article one, section twenty-two.** Perpetuities and monopolies are contrary to the genius of a free state, and shall not be allowed.

[Adopted February 23, 1870.]

Texas—Constitutional provision.

**SECT. 26.** Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed.

The anti-trust laws are April 30, 1895, chapter 83; May 25, 1899, chapter 146.

Utah—Statutes against pools and trusts, 1898, title 54.

Constitutional provision, article twelve, section twenty. Any combination by individuals, corporations, or associations, having for its object or effect the controlling of the price of any products of the soil, or of any article of manufacture or commerce, or the cost of exchange or transportation, is prohibited, and hereby declared unlawful, and against public

policy. The legislature shall pass laws for the enforcement of this section by adequate penalties, and in case of incorporated companies, if necessary for that purpose, it may declare a forfeiture of their franchise.

[Adopted May 8, 1895.]

Vermont—None.

Virginia—Constitution, article twelve, section 165. The general assembly shall enact laws preventing all trusts, combinations, and monopolies inimical to the public welfare.

Washington—Constitutional provision, article twelve, section twenty-two. Monopolies and trusts shall never be allowed in this state, and no incorporated company, co-partnership, or association of persons in this state shall directly or indirectly combine or make any contract with any other incorporated company, foreign or domestic, through their stockholders, or the trustees, or assignees of such stockholders, or with any co-partnership or association of persons, or in any manner whatever, for the purpose of fixing the price or limiting the production or regulating the transportation of any product or commodity. The legislature shall pass laws for the enforcement of this section by adequate penalties, and in case of incorporated companies, if necessary for that purpose, may declare a forfeiture of their franchise.

[Adopted, 1899.]

West Virginia—None.

Wisconsin—The statutes against trusts and monopolies intended to restrain or prevent competition, or control prices, or limit production are the laws of April 17, 1893, chapter 219, and of April 27, 1897, chapter 357.

Wyoming—None.

#### SUMMARY.

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jurisdiction shall give this law specially in charge to the grand juries, and when the evidence is sufficient to authorize an indictment, the grand jury must present a true bill. The circuit court or any court of like jurisdiction in any county into or through which such member or officer is transported by the use of such prohibited pass or ticket, shall have jurisdiction of the case, provided only one prosecution shall be had for the same offense; and provided further, that the trial and judgment for one offense shall not bar a prosecution for another offense when the same pass or ticket is used; and provided further, that nothing herein shall prevent a member of the legislature who is a *bona fide* employé of a railroad or other transportation company or corporation at the time of his election, from accepting or procuring for himself or another, not a member of the legislature, or officer exercising judicial functions, a free pass over the railroads or other

transportation company or corporation by which he is employed.

245. No railroad company shall give or pay any rebate, or a bonus in the nature thereof, directly or indirectly, or do any act to mislead or deceive the public as to the real rates charged or received for freights or passage; and any such payments shall be illegal and void, and these prohibitions shall be enforced by suitable penalties.

Arkansas—Prohibited by the statutes.

California—The Constitution prohibits the granting of passes or free tickets to any person holding any office of honor, trust, or profit, and the acceptance thereof makes a forfeiture of his office.

Colorado—None.

Connecticut—None.

Delaware—None.

Florida—The Constitution prohibits state officials from using free passes.

Georgia—None.

Idaho—None.

Illinois—None.

Indiana—None.

Iowa—None.

Kansas—None.

Kentucky—Prohibited by Constitution, section 197, as follows:

Free passes—Issuance or acceptance of forbidden. No railroad, steamboat, or other common carrier, under heavy penalty to be fixed by the general assembly, shall give a free pass, or passes, or shall, at reduced rates not common to the public, sell tickets for transportation to any state, district, city, town, or county officer, or member of the general assembly, or judge; and any state, district, city, town, or county officer, or member of the general assembly, or judge, who shall accept or use a free pass, or passes, or shall receive or use tickets or transportation at reduced rates not common to the public, shall forfeit his office. It shall be the duty



ney-general, or district attorney, to be brought at the domicile of the officer to whom such free pass, free transportation, franking privilege, or discrimination was given, offered, or promised.

No person, officer, or agent of a corporation, giving any such free pass, free transportation, franking privilege, or discrimination, hereby prohibited, shall be privileged from testifying in relation thereto; but he shall not be liable to civil or criminal prosecution therefor, if he shall testify to the giving of the same.

Maine—None.

Maryland—None.

Massachusetts—Forbidden by legislature as follows:

An act relating to the issuing of railroad passes and the compensation of members of the legislature:

SECTION 1. No railroad corporation shall issue to the governor, lieutenant-governor, any member of the council, any judge of the supreme judicial court, or the superior court, probate court, municipal or district court, or county commissioners, or any member or member-elect of the legislature, any free pass, or any ticket entitling him to transportation at a less rate of fare than is demanded of the public generally.

SECT. 2. Any officer, agent, or employee of a railroad corporation who issues, delivers, or offers to any person mentioned in section one of this act, or to or for any other person at the request, solicitation, or procurement of any person mentioned in section one, any free pass or any ticket entitling him to transportation at a less rate of fare than is demanded of the public generally, shall be punished by a fine of not less than one hundred nor more than one thousand dollars.

SECT. 3. Any person mentioned in section one of this act who requests, for himself or another, accepts or uses any free pass upon a railroad, or any ticket entitling him to transportation upon a railroad, for which he has paid a less price than is demanded of the public generally, shall be punished by a fine of not less than one hundred nor more than one thousand dollars.

SECT. 4. Each member of the senate and house of representatives shall receive seven hundred and fifty dollars for the regular annual session for which he is elected, and two dollars for every mile of ordinary traveling distance from his place of abode to the place of the sitting of the general court; and the president of the senate and the speaker of the house shall receive double the compensation provided for members, and two dollars for every mile of ordinary traveling distance from his place of abode as aforesaid.

SECT. 5. This act shall take effect upon its passage. [Approved March 14, 1892.]

Michigan—None.

Minnesota—None.

or indirectly ask, demand, accept, receive or consent to receive for his own use or benefit, or for the use or benefit of another, any free pass, free transportation, franking privilege or discrimination in passenger, telegraph or telephone rates, from any person or corporation, or make use of the same himself or in conjunction with another. A person who violates any provision of this section shall be deemed guilty of a misdemeanor and shall forfeit his office at the suit of the attorney-general. Any corporation, or officer or agent thereof, who shall offer or promise to a public officer, or person elected or appointed to a public office, any such free pass, free transportation, franking privilege or discrimination shall also be deemed guilty of a misdemeanor and liable to punishment except as herein provided. No person, or officer or agent of a corporation, giving any such free pass, free

transportation, franking privilege or discrimination hereby prohibited, shall be privileged from testifying in relation thereto and he shall not be liable to civil or criminal prosecution therefor if he shall testify to the giving of the same.

SECT. 6. Any district attorney who shall fail faithfully to prosecute a person charged with the violation in his county of any provision of this article which may come to his knowledge, shall be removed from office by the governor, after due notice and an opportunity of being heard in his defense. The expenses which shall be incurred by any county, in investigating and prosecuting any charge of bribery or attempting to bribe any person holding office under the laws of this state within such county, or of receiving bribes by any such person in said county, shall be a charge against the state, and their payment by the state shall be provided for by law.

North Carolina—Not heard from.

North Dakota—None.

Ohio—None.

Oregon—None.

Pennsylvania—Prohibited by Constitution, article seventeen, section eight, as follows:

No railroad, railway or other transportation company shall grant free passes, or passes at a discount, to any person except officers or employes of the company.

Rhode Island—None.

South Carolina—The statutes prohibit the use of free railroad passes.

South Dakota—None.

Tennessee—None.

Texas—None.

Utah—The law prohibits free railroad passes, but there is no penalty attached to a violation of the statute, and it is not generally observed.

Vermont—None.

Virginia—Prohibited by Constitution of 1901-'02, as follows:

SECT. 161. No transportation or transmission company

**of the Constitution, adopted November 4, 1902, as follows:**

**SECT. 11.** No person, association, co-partnership or corporation, shall promise, offer, or give for any purpose, to any political committee, or any member or employee thereof, to any candidate for, or incumbent of any office or position under the Constitution or laws, or under any ordinance of any town or municipality of this state, or to any person at the request or for the advantage of all, or any of them, any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication. No political committee, and no member or employee thereof, no candidate for, and no incumbent of any office or position under the Constitution or laws, or under any ordinance of any town or municipality of this state, shall ask for, or accept, from any person, association, co-partner-

ship, or corporation, or use, in any manner, or for any purpose, any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication. Any violation of any of the above provisions shall be bribery and be punished as provided by law, and if any officer or any member of the legislature be guilty thereof, his office shall become vacant. No person within the purview of this act shall be privileged from testifying in relation to anything therein prohibited; and no person having so testified shall be liable to any prosecution or punishment for any offense concerning which he was required to give his testimony or produce any documentary evidence. The railroad commissioner and his deputy in the discharge of duty are excepted from the provisions of this amendment.

Wyoming—None.

SUMMARY.

Prohibited by Constitution in states..... 9.  
Prohibited by statutes in states..... 5.

Mr. Edgerly of Somersworth offered the following resolution:

*Resolved*, That article ninety-three of part second of the Constitution of this state be amended by inserting after the word “viz.,” in the third line of said article, the following:

“Judge of the supreme court or of any inferior court, attorney-general, county solicitor, secretary of state, state treasurer, adjutant-general,” so that said section when amended shall read as follows:

ART. 93. No person shall be capable of exercising at the same time more than one of the following offices within this state, viz., judge of the supreme court or of any inferior court, attorney-general, county solicitor, secretary of state, state treasurer, adjutant-general, judge of probate, sheriff, register of deeds; and never more than two offices of profit,

the Deity and of public instruction in morality and religion, therefore, to promote these important purposes, the people of this state have a right to empower, and do hereby fully empower, the legislature to authorize, from time to time, the several towns, parishes, bodies corporate, or religious societies within this state to make adequate provision, at their own expense, for the support and maintenance of public teachers of piety, religion, and morality. *Provided, notwithstanding,* that the several towns, parishes, bodies corporate, or religious societies shall at all times have the exclusive right of electing their own public teachers, and of contracting with them for their support and maintenance. And no person of any one particular religious sect or denomination shall ever be compelled to pay toward the support of the teacher or teachers of another persuasion, sect, or denomina-

tion. And every denomination of Christians, demeaning themselves quietly and as good subjects of the state, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law. And nothing herein shall be understood to affect any former contracts made for the support of the ministry; but all such contracts shall remain and be in the same state as if this Constitution had not been made.

On motion of the same gentleman, the resolution was ordered printed and referred to the Committee on the Bill of Rights and Executive Department.

Mr. Chandler of Concord—I desire to present the following resolution, proposing an amendment to the Constitution with reference to trusts:

*Resolved*, That an amendment to the Constitution be submitted as follows:

The legislature shall have power to define, regulate, prohibit, or dissolve trusts, monopolies, or combinations, whether existing in the form of a corporation or otherwise.

Mr. Chandler of Concord—I wish to state, for the information of the Convention, that the proposition is in the exact form in which it was voted on in the house of representatives in congress, on June 1, 1900, except that the word “congress” was used instead of the word “legislature.” That proposition to amend the Constitution of the United States received 154 votes and 132 votes were cast against it, so there not being a two-thirds vote in its favor, it did not go from the house of representatives to the senate.

The reason that it was not adopted was because the Democrats, with substantial unanimity, objected, not so much to giving that power to congress, as they did to taking the power to regulate the trusts away from the states. So, Mr. President, it was fairly to be inferred that every one of the members of the house of representatives would be in favor of this



in this Constitution, the value thereof shall be computed in the standard coinage of the United States of America.

On motion of the same gentleman, the resolution was ordered printed and referred to the Committee on Future Mode of Amending the Constitution and other Proposed Amendments.

Mr. Clyde of Hudson offered the following resolution:

*Resolved*, That the Constitution be so amended as to provide for the election biennially of one representative from each and every town and from each and every ward of the cities throughout the state, and that the Constitution be further amended so that five per cent. of the qualified voters of the state, upon petition, may invoke either the initiative or the referendum and a majority of the people thereupon by

direct vote enact any measure that has by such initiative petition been proposed or reject and veto any measure that has been by their general court passed and by reason of such referendum petition to them referred.

On motion of the same gentleman, the resolution was ordered printed and referred to Committee of the Whole, to be considered with other resolutions relating to like subjects.

Mr. Newell of Keene offered the following resolution:

*Resolved*, That article eleven, part second of the Constitution of this state be amended by striking out the word "six," and inserting instead thereof the word "eight," so that it shall read as follows:

Whenever any town, or city ward, shall have less than eight hundred such inhabitants, the general court shall authorize such town, place, or ward to elect and send to the general court a representative such proportionate part of the time as the number of its inhabitants shall bear to 800, but the general court shall not authorize any such town, place, or ward to elect and send such representative, except as herein provided.

Referred to Committee of the Whole, to be taken up with other resolutions of like character.

Mr. Russell of Plymouth offered the following resolution:

*Resolved*, That article forty-seven, part second, be amended by adding to it the words "*provided*, that no person shall be so nominated and recommended until he shall have been examined and found duly qualified by an examining board appointed by the governor," so that the said article forty-seven will read as follows:

ART. 47. The captains and subalterns in the respective regiments shall be nominated and recommended by the field

to the Constitution:

Amend article eighty-two by adding thereto the following:

And, further, full power is hereby granted to the said general court to enact laws to prevent, by civil and criminal process, the operations within the state of any trust or corporation, foreign or domestic, which endeavors to raise the price of any article of commerce by restraint of trade, monopoly, or other unfair means; to control and regulate the acts of all corporations doing business within the state, and prevent their encroachments upon the liberties of the people.

On motion of the same gentleman, the resolution was ordered printed and referred to the appropriate committee.

Referred to Committee on the Legislative Department.

Mr. Starr of Manchester offered the following resolution:

Amend article five, part two, by adding:

And said general court is authorized and directed to enact statutes which shall prevent the giving or issuing of railroad passes, except to actual railroad officials or employees, and poor persons in misfortune.

On motion of the same gentleman the resolution was ordered printed and referred to the proper committee.

Referred to Committee on the Judicial Department.

Mr. Starr of Manchester offered the following proposed amendment to the Constitution:

Strike out article sixty-six, part two, and insert in place thereof the following:

The secretary, treasurer, labor commissioner, and railroad commissioners shall be chosen by vote of the people at the same time and in the same manner as the governor is chosen; all police and other commissioners having to do with city or town affairs shall be chosen at local elections by the citizens of the town or city which said commissioners are to serve.

On motion of the same gentleman, the resolution was ordered printed and referred to the appropriate committee.

Referred to the Committee on the Legislative Department.

Mr. Baker of Bow offered the following resolution:

Amend part second of the Constitution by striking out articles ninety-eight and ninety-nine, and inserting in lieu thereof the following:

ART. 98. Any amendment or amendments to this Constitution may be proposed in either branch of the legislature; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amend-

electors to vote for or against a Convention at the next election for members of the legislature. And if it shall appear that a majority of the electors voting thereon have voted for a Convention, the legislature shall, at its next session, provide for calling such Convention.

On motion of the same gentleman, the resolution was ordered printed and referred to the Committee on Future Mode of Amending the Constitution and other Proposed Amendments.

Mr. Baker of Bow offered the following resolution:

Amend article seven, part second, title "General Court," of the Constitution by adding thereto as follows:

Nor shall the general court pass any local, private, or special law, regulating the practice or jurisdiction of, or

changing the rules of evidence in any judicial proceeding or inquiry before courts, justices of the peace, sheriffs, coroners, commissioners, arbitrators, or other tribunals, or providing or changing methods for the collection of debts or the enforcement of judgments or prescribing the effect of judicial sales of real estate;

Regulating the fees or extending the powers and duties of justices of the peace, sheriffs, constables, or other officers;

Creating offices, or prescribing the powers and duties of officers in counties, cities, towns, election or school districts;

Changing the law of descent or succession;

Affecting the estates of minors or persons under disability;

Exempting property from taxation;

Fixing the rate of interest;

Regulating labor, trade, mining or manufacturing;

Creating corporations or granting corporate powers or privileges, or amending, renewing, extending or explaining the charter thereof;

Granting to any corporation, association or individual any special or exclusive right, privilege or immunity, or to any corporation, association or individual the right to lay down a railroad track;

Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties, or his securities from liability;

Legalizing the unauthorized or invalid acts of any officer or agent of the state or of any county, town or municipality thereof;


Authorizing the creation, extension or impairing of liens, the adoption of, or legitimation of, children or the granting of divorces;

Changing the venue in civil or criminal cases, the law for the punishment of crimes, or the names of persons or places;

Giving effect to informal or invalid wills, deeds, or other instruments, summoning grand or petit juries, or for the limitation of actions at law or in equity;

Mr. Mitchell of Concord offered the following resolution:

*Resolved*, That articles nine and ten of part second of the Constitution be amended as follows: (1) Limit the representation of the people, in the house of representatives, to 301; (2) in the apportionment of this number among towns and wards, adhere to the existing proportion between the number of inhabitants requisite for one, or the first, and the number required for the second, or any additional representative,—that is, the number of inhabitants required for a second, or any additional representative, shall be three times the number required for one, or the first, representative, so that the mean increasing number for any additional representative shall be twice the number required for one representative; (3) towns and wards having 400 inhabitants, or more, but less than the number required for one, shall be authorized to elect a representative such proportionate part



of the time as the number of its inhabitants shall bear to the number required for one representative; (4) contiguous towns, or towns and wards having, respectively, less than 400 inhabitants, but whose inhabitants in the aggregate equal, or exceed, the number necessary for one representative, may, if each so decides, by major vote, in meetings called for that purpose, be authorized to unite for the purpose of electing a representative; and the votes of such united towns, or wards, shall be cast, returned, counted, and declared, as votes for senators are now cast, returned, counted, and declared; and such towns as are not contiguous, or do not thus vote, shall be allotted representation such a proportionate part of the time as the number of their inhabitants, respectively, bears to the number required for one representative; (5) following each general census of the United States, should the increase of population, in the different towns and wards, be so disproportionate as to require a reapportionment of the 301 members, in order to preserve the proportion and ratio here established, the legislature shall make such reapportionment of representatives; but the same must be done by a strict adherence to the basis, proportion, and ratio here recognized.

Ordered printed and referred to Committee of the Whole, to be taken up at the proper time with other resolutions of a like character.

Mr. Harmon of Effingham offered the following resolution:

Amend articles nine and ten of part second of the Constitution by striking out both articles and inserting the following:

A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of state, on or before the first day of June in the year one thousand nine hundred and five, and every tenth year thereafter. The enumeration aforesaid shall de-



assigned to each county, equally, as nearly as may be, according to the relative population in the several districts of each county, and such districts shall be so formed that no town or ward shall be divided therefor. Districts may be formed for one or more representatives as the contiguity of territory or the physical and social relations of the towns or wards may warrant. The legislature at the next session after such division of the counties into representative districts may, upon appeal by a town or ward, examine the classification of that town or ward, and change the district lines of that county in accordance with the provisions of this article if it shall appear that injustice has been done.

Ordered printed and referred to Committee of the Whole, to be considered with resolutions relating to a like subject.

Mr. Baker of Bow moved that when the Convention ad-

journs it adjourn to meet at 8 o'clock in the evening. Motion declared lost on a *viva voce* vote.

On motion of Mr. Demeritt of Alton, the Convention adjourned.

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TUESDAY, DECEMBER 9, 1902.

The Convention met according to adjournment.

(The President in the chair.)

Prayer was offered by the chaplain.

The journal was read and approved.

Mr. Norris of Portsmouth offered the following resolution:

*Resolved*, That article five, part two of the Constitution be amended in its fourth clause so that said clause shall read: "and to impose and levy proportional and reasonable assessments, rates, and taxes upon all the inhabitants of, and residents within, the said state, and upon all the estates and franchises within the same, to be issued and disposed of by warrant, under the hand of the governor of this state for the time being, with the advice and consent of the council, for the public service, in the necessary defense and support of the government of this state and the protection and preservation of the subjects thereof, according to such acts as are, or shall be, in force within the same."

Referred to the Committee on the Legislative Department and ordered printed.

Mr. Norris of Portsmouth offered the following resolution:

*Resolved*, That article six, part two of the Constitution be amended so that it shall read:

ART. 6. The public charges of government or any part thereof may be raised by taxation upon polls and estates and

to the said general court to impose and levy assessments, rates, and taxes upon the estates of deceased persons, or upon bequests, devises or inheritances, exceeding \$10,000, said rates and taxes to be graded or proportioned in such way or manner as said general court may direct; but said rates and taxes shall never exceed five per cent. of said estates, bequests, devises or inheritances comprised of a less sum than \$20,000."

Ordered printed and referred to Committee on the Legislative Department.

On motion of Mr. Eastman of Exeter, the following statistics and tables submitted by Mr. Baker of Bow, relating to the legislative department of the government of the state, were ordered printed:

TABLE I.

STATE.	Population.	Number of Senators.	No. of Representatives.	Ratio of Population. One Representative to each.	Has a Lieut. Governor.	Elects Secretary of State, State Treasurer, Attorney-General, etc., in what manner.
New Hampshire....	411,588	24	393	1,045	No.	Legislature.
Alabama.....	1,828,697	35	105	17,416	Yes.	People.
Arkansas.....	1,311,564	35	100	13,115	"	"
California.....	1,485,053	40	80	18,563	"	"
Colorado.....	539,700	35	64	8,432	"	"
Connecticut.....	908,420	24	255	3,562	"	"
Delaware.....	184,735	17	35	5,278	"	Appointed.
Florida.....	528,542	32	68	7,772	No.	People.
Georgia.....	2,216,331	44	175	12,664	"	"
Idaho.....	161,772	21	46	4,494	Yes.	"
Illinois.....	4,821,550	51	153	31,513	"	"
Indiana.....	2,516,462	50	100	25,164	"	"
Iowa.....	2,231,853	50	100	22,318	"	"
Kansas.....	1,470,495	40	125	11,763	"	"
Kentucky.....	2,147,174	38	100	21,471	"	"
Louisiana.....	1,381,625	39	114	12,119	"	"
Maine.....	694,466	31	151	4,599	No.	Legislature.
Maryland.....	1,188,044	27	101	11,762	"	Appt. or El.
Massachusetts.....	2,805,346	40	240	11,689	Yes.	People.
Michigan.....	2,420,982	32	100	24,209	"	"
Minnesota.....	1,751,394	63	118	14,842	"	"
Mississippi.....	1,551,270	33	107	14,497	"	"
Missouri.....	3,106,665	34	142	22,190	"	"
Montana.....	243,329	26	72	4,424	"	"
Nebraska.....	1,066,300	33	100	10,663	"	"
Nevada.....	42,335	18	36	1,176	"	"
New Jersey.....	1,883,669	21	60	31,394	"	Appointed.
New York.....	7,268,894	50	150	48,459	"	People.
North Carolina.....	1,893,810	50	120	15,781	"	"
North Dakota.....	319,146	31	62	5,147	"	"
Ohio.....	4,157,545	31	110	37,776	"	"
Oregon.....	413,536	30	60	6,892	No.	"
Pennsylvania.....	6,302,115	50	204	30,892	Yes.	**
Rhode Island.....	428,556	38	72	5,952	"	People.
South Carolina.....	1,340,316	37	124	10,809	"	"
South Dakota.....	401,570	45	87	4,615	"	"
Tennessee.....	2,020,616	33	99	20,410	No.	Legislature.
Texas.....	3,048,710	31	150	20,325	Yes.	People.
Utah.....	276,749	18	45	6,149	"	"
Vermont.....	343,641	30	245	1,403	"	"
Virginia.....	1,854,184	40	100	18,541	"	"
Washington.....	518,103	34	78	6,642	"	"
West Virginia.....	958,800	24	65	14,750	No.	Appt. or El.
Wisconsin.....	2,069,042	33	100	20,690	Yes.	People.
Wyoming.....	92,531	16	33	2,803	No.	"

\*\* Treasurer by people, others appointed.

small number of them is there provision for amendment through conventions specially elected for that purpose.

Elections are biennial in all the states except Massachusetts, New Jersey, New York, and Rhode Island.

In all the states the sessions of the legislature are biennial except in Georgia, Massachusetts, New Jersey, New York, Rhode Island, and South Carolina.

In four states—Colorado, Idaho, Utah, and Wyoming—women have the full elective franchise. In many others they vote on questions pertaining to the public schools.

The sale of intoxicating liquors is prohibited by the constitutions of the states of Maine, Kansas, and North Dakota.

TABLE II.

TOWNS.	Population.	Representation to which each town and ward would be entitled upon the basis of 1,000 population for first and 2,000 for each additional representative.	Representation to which each town and ward would be entitled upon the basis of 1,200 population for first and 2,400 for each additional representative.
Rockingham county.....	51,118		
Atkinson.....	442	.4	.3
Auburn.....	682	.7	.5
Brentwood .....	957	1	.8
Candia .....	1,057	1	.8
Chester.....	861	.9	.7
Danville.....	615	.6	.5
Deerfield.....	1,162	1	.9
Derry .....	3,583	2	2
East Kingston.....	496		.4
Epping .....	1,641	1	1
Exeter.....	4,922	3	2
Fremont.....	749	.7	.5
Greenland.....	607	.6	.5
Hampstead .....	823	.8	.6
Hampton.....	1,209	1	1
Hampton Falls.....	560	.6	.5
Kensington.....	560	.5	.4
Kingston.....	1,132	1	.9
Londonderry.. ..	1,408	1	1
Newcastle.....	581	.6	.5
Newfields.....	647	.6	.5
Newington .....	390	.4	.3
Newmarket.....	2,892	1	1
Newton.....	924	.9	.7
North Hampton.....	812	.8	.6
Northwood .....	1,304	1	1
Nottingham .....	638	.6	.5
Plaistow.....	1,027	1	.8
Portsmouth.....	10,637		
Ward 1.....	2,644	1	1
Ward 2.....	3,105	2	1
Ward 3.....	1,391	1	1
Ward 4.....	1,843	1	1
Ward 5.....	1,654	1	1
Raymond.. ..	1,100	1	.9
Rye .....	1,142	1	.9
Salem .....	2,041	1	1
Sandown .....	400	.4	.3
Seabrook.....	1,497	1	1
South Hampton .....	297	.3	.2
Stratham.....	718	.7	.5
Windham.....	641	.6	.5

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TABLE II—Continued.

Belknap county.....	19,526		
Alton .....	1,500	1	1
Barnstead .....	1,072	1	.8
Belmont.....	1,294	1	1
Centre Harbor.....	422	.4	.3
Gilford .....	661	.7	.6
Gilmanton.....	1,100	1	.9
Laconia.....	8,042		
Ward 1.....	417	.4	.3
Ward 2.....	1,465	1	1
Ward 3.....	1,073	1	.8
Ward 4.....	1,465	1	1
Ward 5.....	1,485	1	1
Ward 6.....	2,187	1	1
Meredith .....	1,718	1	1
New Hampton.....	852	.9	.7
Sanbornton.....	944	.9	.7
Tilton .....	1,926	1	1





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TABLE II—Continued.





TUESDAY, DECEMBER 9, 1902.

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TABLE II—Continued.

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TABLE II—Continued.

TOWNS.	Population.	Representation to which each town and ward would be entitled upon the basis of 1,000 population for first and 2,000 for each additional representative.	Representation to which each town and ward would be entitled upon the basis of 1,200 population for first and 2,400 for each additional representative.
Grafton county.....	40,844		
Alexandria.....	630	.6	.5
Ashland.....	1,289	1	1
Bath.....	1,006	1	.8
Benton.....	209	.2	.1
Bethlehem.....	1,261	1	1
Bridgewater.....	244	.2	.1
Bristol.....	1,600	1	1
Campton.....	999	1	.8
Canaan.....	1,444	1	1
Dorchester.....	308	.3	.2
Easton.....	249	.2	.1
Ellsworth.....	107	.1	.0
Enfield.....	1,845	1	1
Franconia.....	655	.7	.5
Grafton.....	748	.7	.5
Groton.....	346	.3	.2
Hanover.....	1,884	1	1
Haverhill.....	3,414	2	1
Hebron.....	214	.2	.1
Holderness.....	662	.7	.5
Landaff.....	500	.5	.4
Lebanon.....	4,965	3	2
Lincoln.....	541	.5	.4
Lisbon.....	2,221	1	1
Littleton.....	4,066	2	2
Livermore.....	191	.2	.1
Lyman.....	426	.4	.3
Lyme.....	1,080	1	.8
Monroe.....	545	.5	.4
Orange.....	213	.2	.1
Orford.....	890	.9	.7
Piermont.....	637	.6	.5
Plymouth.....	1,972	1	1
Rumney.....	837	.8	.6
Thornton.....	552	.6	.5
Warren.....	799	.8	.6
Waterville.....	50	.0	.0
Wentworth.....	617	.6	.5
Woodstock.....	628	.6	.5

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TABLE III.

COUNTIES.	Number of representatives upon the basis of 1,000 population for the first and 2,000 for each additional representative.	Number of representatives upon the basis of 1,200 population for the first and 2,400 for each additional representative.
Rockingham .....	37.2	31.5
Strafford.....	25.7	23.5
Belknap.....	14.3	13
Carroll.....	13.1	10.4
Merrimack.....	36.1	30.4
Hillsborough.....	65.6	54.3
Cheshire.....	21	18.9
Sullivan.....	12.8	10.4
Grafton.....	29.4	23.7
Cooks .....	19.9	14.8
Total for state.....	275.1	230.9

TABLE IV.

If the state should be districed as a whole, every inhabitant would be represented all the time, and each district would have a population of

1,372	for	300	representatives.
1,497	"	275	"
1,646	"	250	"
1,829	"	225	"
2,057	"	200	"
2,351	"	175	"
2,744	"	150	"
3,212	"	125	"
4,115	"	100	"



exempt from taxation any property used for purposes of profit or gain.

Referred to Committee on the Legislative Department and ordered printed.

Mr. Ledoux of Nashua offered the following resolution:

Amend article five, part two, by adding the following:

Upon the written petition of ten per cent. of the qualified voters of the state, reckoning the percentage upon the total number of votes cast for governor at the last biennial election, the general court shall refer any measure by it enacted to the people; and no enactment thus referred shall become a law until it is approved by a majority of the qualified voters present and voting on the subject. Upon the written petition of ten per cent. of the qualified voters reckoned as afore-

said, any measure may be laid before the general court and voted upon in both houses without amendment, and if a majority of both houses shall vote in favor of such measure, it shall become a law without the signature or approval of the governor. It shall be the duty of the general court to frame laws which shall render effective the initiative and referendum as herein provided.

Referred to the Committee on the Legislative Department and ordered printed.

Mr. Ledoux of Nashua offered the following resolution:

Amend article eighty-two by adding thereto the following:

The general court is authorized and directed to pass such laws as will most effectually prevent monopoly, the stifling of competition, the artificial raising of prices, and any unfair methods of trade; to control and regulate the acts of all corporations doing business within this state, and to prevent their encroachments upon the liberties of the people.

On motion of Mr. Chandler of Concord, the resolution was ordered printed and made a special order to be taken up with other resolutions of like character.

Mr. Wingate of Stratham offered the following resolution:

*Resolved*, That article twenty-five of the second part of the Constitution be amended by striking out the words "and, in making this division, they shall govern themselves by the proportion of direct taxes paid by the said districts," so that the article shall read as follows:

ART. 25. And that the state may be equally represented in the senate, the legislature shall from time to time divide the state into twenty-four districts, as nearly equal as may be without dividing towns and unincorporated places, and timely make known to the inhabitants of the state the limits of each district.

have no vote unless the senate be equally divided. He shall receive for his services a salary of \$500 per annum.

In case the person elected governor shall die or become disqualified before the commencement of his term of office, or shall refuse to take the same, or in case of the removal of the governor from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the lieutenant-governor shall then be governor; and in case of the removal, death, resignation, or inability of both the governor and lieutenant-governor, the president *pro tempore* of the senate, if any, shall be governor; and in the event of his removal, death, resignation, or inability, then the speaker of the house of representatives shall act as governor until the disability of the officers aforesaid is removed, or a governor shall be duly elected and qualified; *provided*, that when the president *pro tempore* of the senate, or the speaker of the house, shall exer-

cise the office of governor, he shall not hold his office in the senate or house, as the case may be.

Ordered printed and referred to the Committee on the Bill of Rights and Executive Department.

Leave was granted to the Committee on the Legislative Department to sit during to-day's session of the Convention.

Mr. Mitchell of Concord, from the Committee on the Legislative Department, to whom was referred the resolution offered by Mr. Wingate of Stratham, proposing an amendment to article thirty-two of part second of the Constitution, reported the same with the following resolution:

*Resolved*, That it is inexpedient to amend the Constitution as proposed.

On motion of Mr. Sanborn of Wakefield, the report was accepted and the resolution adopted.

Mr. Sanborn of Wakefield, from the Committee on the Legislative Department, to whom was referred the resolution offered by Mr. Baker of Bow, pertaining to the establishment of more than one place of public meeting within the limits of each town or ward in the state for the casting of votes, reported the same with the following resolution:

*Resolved*, That the resolution be adopted.

The report was accepted and the resolution was adopted and the amendment was referred to the Committee on Time and Mode of submitting to the People the Amendments agreed to by the Convention.

Mr. Chandler of Concord—I call for the special order.

The President—The gentleman from Concord calls for the special order.

reference to the reduction of the house of representatives and the basis of representation.

Mr. Mitchell of Concord—Mr. Chairman and Gentlemen of the Committee. As the subject under consideration is the amendment of articles nine and ten of part two, relating to representation in the house of representatives, and as no other person seems to be desirous of being heard at this particular time, I will ask the indulgence of the committee and its consideration of the resolution which I introduced yesterday upon this subject.

Mr. Rogers of Tilton—The proposition of the gentleman who has the floor has not been printed and distributed, or at least it has not been distributed in this part of the hall. Now, perhaps the members of the Convention will understand the proposition better, and understand the gentleman better,

if he will postpone his remarks until the resolution is printed and distributed.

The Chairman—I would suggest that the gentleman from Concord be pleased to read his resolution, so that the gentleman from Tilton will know what it is, and then perhaps the gentleman from Tilton may be able to arrange the matter with the gentleman from Concord.

Mr. Mitchell of Concord—When I arose, I supposed the resolution had been printed and distributed. I have a copy of it which I will, with the indulgence of the committee, read. (Mr. Mitchell reads resolution.) Therefore, Mr. Chairman and Gentlemen of the Convention, this proposition is, first, that the number of representatives be reduced, and while I name the stated number as 301, that number is purely arbitrary. Whether it is 299, 277, 305, or any other number, perhaps up to 325, is, to my mind, practically immaterial, so long as we fix it within a reasonable limit and make it permanent, and fix at the same time, if possible, the apportionment and reapportionment of that number in the event that upon the basis established on account of the increase of the population it becomes necessary to reapportion in the future.

The second proposition is that we adhere to the existing proportion. That is, after having fixed the number necessary for one representative, the first, multiply that by three as the number necessary for the next, which proportion has been the proportion recognized since the foundation of the government as the basis for the second and additional members.

The proposition submitted by the gentleman from Concord, Mr. Lyford, to establish the district system, although a fair, equitable, and simple basis for the distribution of the number which may be fixed, is a complete and radical departure from the method established at the foundation of the government in 1784 and since adhered to. In 1784, when the Constitution was adopted, the number of representatives was determined by fixing as the basis for the first representa-

about 6,000 for it.

This was the idea of equality fixed by the founders of our government, and the one since recognized and adhered to.

We are informed by history that at the time of the adoption of the Constitution in 1784, there existed the same disparity of population between municipalities, places, and parishes that now exists. At that time the upper house that was created, the senate, consisted of twelve members, apportioned to the five counties of the state in this way: Rockingham county, five; Cheshire, Hillsborough, and Strafford, two each, while Grafton had but one. The other five of the ten present counties having been created subsequently to that time. That was the order of the Convention with respect to the distribution of the senators, based upon property and population. So that the conditions confronting the founders of this government at that time differs only in degree from

those that confront us. They recognized it and met it by providing 150 ratable polls as the basis for the first representative, twice that number for the second and other additional representatives.

The people of New Hampshire are a conservative people. This characteristic is a merit. It is a virtue to be conservative; to proceed slowly, carefully, and cautiously, whether as a state, a municipality, or an individual. Radical changes should be made only after much consideration and for good reason.

Suppose we were to-day, as we are not, to make a new Constitution; to fix a new basis for representation, we would have before us the different systems that have been proposed; that proposed by the gentleman from Concord, Mr. Lyford, which is in most universal use; that established by the founders of this government; that established by the people of Maine, where they require 1,500 population for the first representative, 3,750 for the second representative, 6,750 for the third, 10,500 for the fourth, 15,000 for the fifth, 20,500 for the sixth, and 26,500 for the seventh, limiting the number of representatives that any municipality can have to seven; or, we might have the basis of representation that exists in the states of Connecticut and Vermont, *i. e.*, one representative for each municipality without reference to its size.

We would have those different systems to select from. The relative merits of those different plans would be a subject on which the members of this Convention would undoubtedly differ. While the district system has its attractions, its simplicity, its uniformity, its apparent equality,—yet, considering our present condition and diversity of opinion, I am inclined to think that the system established by the founders of this government may be quite as good as any for our purposes. But we are not at liberty to do that which, if everything was undone, we could do. We have behind us a history, association, supposed rights and privileges, and everything that goes to make up a man or a people,—the growth of over one hundred years. Those are elements we cannot eliminate if we would.



The policy of the people of New Hampshire from the establishment of our government has been to tolerate, if not deliberately provide for a reasonably large body in the lower house. At the beginning, considering the population at that time, the number was large when compared with the number that other commonwealths then fixed, or have since fixed, as their representation in the lower or popular branch of the legislature. So I think we may well say that the people in this state for all time have been, and at the present time are, willing to have a reasonably large house, but not one as large as at present. It is now too large. So that the proposition before the Convention, the desire of the people, is not so much to change the basis of representation as it is to provide for a reduction of the membership of the house. If we can contrive in some way to make a reduction that will reduce the membership to 300 approximately, I believe the people of the state will accede to that proposition and adopt it, and then I believe if we adhere to the existing method of determining that number, namely, twice as many for the second and additional representatives as that required for the first, the people will be content with that and adopt it.

Now it has been figured out, as I recollect, by the figures presented by the gentleman from Concord, Mr. Lyford, taking the basis for the first at 800, and for the second at 2,400,—*i. e.*, the mean increase being 1,600,—on the present population it would decrease the size of the house to 313. And then, if I recollect right, or have rightly enumerated the towns and wards that would be effected by reducing the house to about 300, or perhaps one or two under 300, there would be fourteen towns and wards which would be affected by increasing the mean proportion from 1,600 to 2,000. In other words, if you start with the basis of 800 for the first representative and 2,000 as the mean increasing proportion, making 2,800 for the second and additional representatives, you would get a house of 298 or 299, as I have examined the figures of the gentleman from Concord, Mr. Lyford.

Mr. Lyford of Concord—If the gentleman from Concord,

Mr. Mitchell, will allow me, I would say that I gave no figures on the basis of 2,000 as the mean increasing number. I think the gentleman must refer to some figures given by the gentleman from Newport, Mr. Barton.

Mr. Mitchell of Concord—No, gentlemen of the committee, I reached the conclusion by taking the tables figured by Mr. Lyford giving the population, and selecting the towns and wards from that tabulation that would be less than the required number if the basis for the second representative was 2,800.

So that, Mr. Chairman and gentlemen of the committee, upon this basis, adhering to the existing method of apportionment, we can work out and decrease the house of representatives by fixing the basis for the first member at 800; for the second member at 2,400, or 1,600 as the mean increasing proportion, which would give us a house of 313, or enlarging the second number to 2,000, we could reduce the house to 299, or 298, as I figure it.

Now, in the proposition which I introduced, there is a provision for prorating all towns above the population of 400, and less than the required number for one, and those less than 400 are to be prorated unless they themselves vote to form a district for the purpose of electing representatives. That proposition is not original with me. I took it from the system adopted in the state of Maine in providing for small towns—those not having the requisite number of inhabitants for one representative.

This system will avoid the necessity of bringing together a Constitutional Convention again to reduce the number. When the increase in population makes it necessary to change this proportion, I have suggested that the legislature be authorized—when the population of the different municipalities becomes so large and the membership of the house becomes so large that a new apportionment is necessary—to reapportion the members upon exactly the same basis that is now suggested. In other words, fix at

301 as the size for the house of representatives, and the proposition is to work out that result, namely, to have a membership of the house consisting of 301 by adhering to the existing proportion between that necessary for the first and that necessary for the second and the subsequent representatives. To work out that result, as I undertook to state to the committee, in order to get a membership of 313 and adhere to the proportions already existing, you would take 800 for the first representative and 1,600 as the mean increasing ratio for the second and subsequent representatives, or 2,400 population would be necessary for the two representatives. Then, if you desire to reduce the house to a membership of 300, or 299, or 298, as I figure the tables, you can accomplish that result by making the mean increasing proportion 2,000 instead of 1,600. In other words, for the two representatives you must have 2,800 population.

Mr. Wingate of Stratham—I merely rise to ask if anyone has considered the propriety of taking for the third representative a greater number than is required for the second representative. It seems to me that by that course we could meet some of the objections offered by the gentleman from Concord, Mr. Lyford. The larger places do not need as many representatives in proportion to their population as the smaller towns. Take, for instance, the representatives from two contiguous wards of a city, Wards five and six, in Manchester, for instance,—I think any one of those representatives would be familiar with the requirements of Wards five and six, whereas one gentleman would not be as able to represent two towns where the population is scattered over so large a territory. If the third representative was elected by a still larger population in proportion, it strikes me that the cities would even then be well represented.

Mr. Eastman of Exeter—Mr. Chairman and Gentlemen of the Committee: I came here without any definite plan for the reduction of the present house. I am in favor of a pretty large house. That, as has been said by the gentlemen who have preceded me, was the course pursued by the men who founded the government. It has worked well, so far as I have observed, and to-day we come here to discuss this proposition, and the objections which are raised to the town system and to retaining it may be reduced to these: First, it is said that there is no legislative body in the world so large at the house of representatives. Second, that it is so large it appears ridiculous when compared with the legislatures of other states. In the third place, we are cramped for room; we have not the requisite facilities for housing so many men.

Granted all these objections exist, and they do exist, what is the force of those objections? Does any one come here and say that the legislatures of New Hampshire have not acted wisely in the various acts which have been passed? Does not the legislation which has been enacted by the legislatures of New Hampshire compare favorably with that of

he has presented his views here before you. Perhaps it is to be said that if that system is adopted it may be in *some* respects, and perhaps it would be in *many* respects, the most equitable plan that could be adopted; but it is manifest that it is the feeling of the majority of this Convention not to depart from the town system, under which we have lived so long. While I am not here to criticise the plan presented by the gentleman from Concord, Mr. Lyford, I must say that at the present time it does not seem to me necessary to make so radical a change in our system. The town system was adopted by the gentlemen who made the Constitution and founded this government, and, so far as is possible and practicable at this time to do so, we should follow the plan which was adopted by them.

Now, among other proposed amendments which have been suggested is the one offered by the gentleman from New-

port, Mr. Barton. When I heard that proposition I thought that it was not quite so fair, perhaps, to the large towns and cities as it ought to be, and so that would be an objection. The general plan struck me favorably, however. I thought perhaps it would be well to increase the first factor from 600 to 800, and then make the next increasing factor 2,000. That is, that they should have 2,000 additional population for each representative after the first. But on reflection it seems to me that there is not so much inequality as seemed to be at first. We are confronted with certain conditions here in the state of New Hampshire which are beyond all dispute. These conditions are that in the rural districts the population is constantly falling off. In those towns there is not going to be any call for an increase of representation if you keep it where it now is, at 600. Those towns are not going to be in position to have an additional number of representatives even on that basis. Instead of their being in a position to send more representatives, their population will probably continue to decrease, and they are going to be prorated, or a good many of them will be. Now the population is increasing in the large towns and in the cities, and their representation will increase. Under the method proposed, they will have additional representatives as their population increases, so that while under the present regulation they may not receive quite as much consideration as the smaller towns apparently do, as a general result, considering the conditions which exist in the state, I submit it is, on the whole, a pretty fair proposition.

I have looked over the figures a little to see how that divides the representation. I come as one of the representatives from the town of Exeter. I came, also, originally, from one of the little back towns, but the population of that little town is falling off. It is a prorated town to-day, and, as is the case with a large number of these back towns, it is constantly decreasing in population, so I have the feeling that while I am here representing one of the larger towns of the state, yet some consideration should be given by me and by

Claremont in any legislature that we shall have, and do it well.

Then the town of Newport, which is the next to the largest town in the county of Sullivan, would lose one representative and would have two. And I believe that, going through the state, upon the figures as they have been tabulated and presented here, the proportion of loss to the larger towns would be about the same.

As I figure it, under the rule which has been suggested by the gentleman from Newport, Mr. Barton, the county of Rockingham would lose thirteen representatives, and on the basis of 800 and 2,000 it would be twenty-three. But I am not here to insist on any special standard. I am willing to concede something to these larger towns if they feel as though it is unjust to make the basis for the first representative 600, and put it at 800. It may be the sense of the Convention

that it should be 800 and 2,000, and if that is so, it would certainly be satisfactory to me. I wish, however, simply to say that the proposition of the gentleman from Newport, Mr. Barton, is a fair one, taking into consideration the conditions existing in the state. If you adopt the rule of 600 and 2,000, Rockingham county would lose thirteen.

Then, take it in Strafford county. On the basis of 600 and 2,000, it would lose seven, and on the basis of 800 and 2,000 it would lose only one additional representative. That is, the population of the towns is such that they would lose only one representative in the county if you should raise the number for the first representative from 600 to 800, so, under the conditions existing in that county to-day, it makes little difference whether you call the first figure 800 and the second 2,000, or the first figure 600 and the second 2,000.

In Strafford county they would lose seven on the basis of 600 and 2,000, and one additional on the basis of 800 and 2,000.

In Belknap county, as I have figured it, and I think I am correct although I may have made a mistake, on the basis of 600 and 2,000, there would be a loss of two, and on the basis of 800 and 2,000 a loss of five.

In Merrimack county there would be a loss on the basis of 600 and 2,000 of ten, and on the basis of 800 and 2,000 of eighteen. It makes quite a difference in some of the counties, because they have a number of small towns that have 600 population, or a little over, and if you place the number for the first representative at 600 they would still be able to send one representative, but if you call it 800 it strikes off quite a number of those towns, whereas in some counties, like Strafford, the population is such that it makes but little difference.

In Hillsborough county, on the basis of 600 and 2,000 they would lose twenty-nine; on the basis of 800 and 2,000, thirty-six.

In Cheshire county, on the basis of 600 and 2,000, they would lose six, and on the basis of 800 and 2,000, nine.



was adopted by the framers of the Constitution. There are a great many things to be said in its favor. In the first place, it is more democratic, and you secure the representatives from a wider territory. You choose representatives who are in sympathy with the ideas of their locality and who know what their towns need. These back towns are places of a good deal of importance. We have a good deal of summer business in those towns, and there are matters of consequence that come before the legislature in every session relating to those towns, and if we do not have some one in the legislature who knows their needs and who is fully acquainted with them, somebody will have to be sent there in order to inform the legislature as to what is needed in those localities. This town system is a democratic system, and is a system required for the benefit of the towns and the state, and I say, gentlemen of the Convention, that those towns should be represented so far as is practicable.

Now, then, there is another thing in regard to this system. I know it sounds strange, perhaps, to most men to have a man stand up here and argue in favor of this system, and that it ought to be preserved because it affords a good school for the people and one worth all it costs, and for that reason if for nothing else, we should retain it. If I stood here alone upon this proposition you might laugh at me, because, perhaps, my opinion would not carry much weight in this matter. I am not much of a statesman, never having been in the legislature but once, and that was a good many years ago, so perhaps I have forgotten all that I learned back in 1876; but when this proposition has been advanced by such men as the late Chief Justice Doe and the late Gilman Marston, I think you will agree that it is a proposition that should be well considered and weighed, and it is one that, with those gentlemen behind it, I feel as though I had something to fall back upon. I know what the sentiment of those gentlemen was, because they have stated it a great many times, and my old partner would say to whoever suggested that on account of the increased expense and the difficulty in transacting business in a legislature of three or four hundred men, which might as well all be done by a legislature of one hundred—he would say that it was worth all it cost as a school. And how is it. When I came here to the legislature in 1876, from one of the back towns, I had seen none of the great men of the state, and had probably heard of no more than a half dozen of them. The rest of them were all unknown to me. I saw these men, and I heard what they had to say, I learned something, and I got a great many ideas from them. I am only speaking now, of course, of my own personal experience. I learned things, and I know that it was a benefit to me, and I know it is a benefit to other men who come here from the small towns. They learn about what is being done and how to do it. They learn about the machinery of government and what the state needs, and how to supply those needs, and all those things that are necessary and essential in the law-making body of the state. And not

received here. If a man sends his boy to college and that boy has ability and some power of observation, he comes out with the cobwebs pretty well rubbed off from his brain, and the same thing takes place with the gentlemen who come here to the legislature. So I say it is a good school. At first blush you might think that this proposition didn't amount to anything. But I say, gentlemen, it amounts to a good deal. So here is a reason why the suggestion that it is not essential for the state to have such a large legislature, such a large house of representatives, ought to be well considered. We should not reduce the house to a very small number, but it should be continued with a reasonably large number of members.

I have talked longer than I intended in regard to this subject, but it seems to me that we should, on the whole, adopt the town system upon the basis presented by the gentleman from Newport, Mr. Barton, and perhaps the

same basis is also embodied in other resolutions that have been presented here. I presume they come practically to the same thing, only I have not had the opportunity of looking them over or noting their results in regard to the figures. If that is all there is to it, it seems to me we ought to agree to that proposition and conclude that part of the business, finish up the other business, and go home. We have had a great many matters brought to the attention of the Convention, and most of them are all right, but we cannot adopt all of them and expect the people to ratify them, because, as was suggested by the gentleman from Concord, Mr. Chandler, on the first day of the Convention, if we submit a long string of amendments for the consideration of the people they will not adopt any of them. Consider how it is yourselves. We go to the town meeting, and a paper of twenty or thirty amendments to the Constitution is presented. What does Mr. A, or B, or C, know about them, and when he does not know, what is he to do? He will think that the best thing to do is to do nothing, and I believe that that is what he will do if we furnish too many amendments for his ratification.

So, then, I say let us agree upon some plan which will be fair and just, and I believe if we do that the people will ratify our action. In what I have said I have not intended, and do not intend, to cast any reflection upon the propositions that have been submitted here for the purpose of amending the Constitution in the several respects proposed; but I must say that a great many of them will be, and will have to be, rejected by this Convention if we expect to have anything done by the people at the polls.

It is suggested, gentlemen of the committee, that I did not state how many representatives the house would consist of under the plan which has been suggested here and which I approve. Mr. Barton has been through with the figures and printed them and they are before you, so you can verify his statements. Under his proposition, I think there would be 317 members of the house, and if it is placed on the basis of

I had drawn, giving the house of representatives precisely the same as it stands now, by the basis of 600 for the first and 1,200 additional for the increase. I also figured it upon the basis of 2,000 for the increase, which is Mr. Barton's bill exactly, and when I came here it was with the resolution drafted which I intended to present to the house, on the basis of an increase of 2,000. But before I did that, Mr. Barton presented the same proposition, and then I put in my resolution upon the basis of a 3,000 increase. I did it in order that this whole matter might be before the Convention, and when these tables were printed every member of the Convention could see exactly what the facts were.

Every one knows that upon the present basis of 600 population for the first representative and 1,200 additional for each additional representative, the present number of representatives would be 347. Of course there must be added to that forty-six representatives, which is the number that

has been returned from the prorated towns, which makes the entire legislature which will meet here next month 393, and that, I find from the secretary of state, is exact. Now upon the basis of an increase of 2,000 I have it, and it is correct because it has been examined and re-examined and it is exact—the whole number given in my figures under that will be 271. That is, keeping the 600 basis for the first representative and 2,000 for each additional one. To that, of course, must be added the forty-six representatives which come from the prorated towns, and that will give you, as has been stated by the gentleman from Newport, Mr. Barton, 317.

Now, thinking that perhaps it might be the desire to reduce the legislature still more, and that the Convention might think 317 too large, as, if your population increases it will before a great many years be again as large as it is now, I have carried out other figures on the basis of a 3,000 increase for the second representative. On that basis you would have 240 returned from the towns and wards of the cities, and to that of course must be added the forty-six that come from the prorated towns, and that would give you a legislature of 286, which is very close to the number that the gentlemen have hit upon in the several plans presented here—a legislature of about 300. That gives you, at the present time, a legislature of 286, and when the next census is taken on account of the increase of population you would undoubtedly have a trifle in excess of 300, or just about 300. For my own part, I am not certain that this is not the better plan—that the ratio of 3,000 for the second and each additional representative should be adopted instead of 2,000, although I originally intended to present my proposed amendment with a 2,000 increase.

I am in favor of either one of these propositions—that for a 3,000 increase or that for a 2,000 increase. I am perfectly willing to concede, if the gentlemen from the cities are willing to do their share—I am willing to concede to the reduction for the number of the population necessary for the

town of Hillsborough would lose one half, and the town of Claremont, I think, would lose two representatives, and so with all the larger towns in the state. It would be against those larger towns more than against the cities that this plan would operate. But we are not afraid of it. We come here with the idea, as has been suggested, that these small towns of 600 inhabitants need the favor of the people of this state in this matter of representation.

Now how would this plan affect the city of Manchester, which now has forty-nine representatives on the basis of 600 for the first and 1,200 increase. Under this bill of my friend from Newport, Mr. Barton, Manchester would have thirty-one. She has a population of 56,000, or a little over, and that would give her a representative certainly to every 3,000 of her population, while Peterborough has but one. Can she complain that she will only have 31 representatives with

a population of 56,000, which she will have under the bill of my friend from Newport, Mr. Barton?

The city of Nashua has twenty at the present time, and under that arrangement she will come here with ten, as her population is a trifle rising 20,000. Can she find fault? Towns of 3,000 inhabitants come here and are willing to give the towns of only 600 inhabitants a representative while such towns with 3,000 inhabitants would only have one representative. Can Nashua find fault when she will have a representative for a little over 2,000 in number of her population? She would have ten under the Barton bill where she has twenty now.

I hope before you decide on this matter you will look it squarely in the face, and that you will be willing to show charity to these small towns.

The gentleman from Exeter, Mr. Eastman, has suggested a basis of 800 for the first representative. Take it upon that basis, there are forty odd towns which are just now able to send a representative here that would be taken out of those towns sending a representative each year and be prorated. The towns of Hancock, Bennington, Frankestown, Lyndeborough, and Greenfield are examples of this class. They run in population from 605 to 690, and upon the basis of 800 of course they would all become prorated towns. And they are important towns, gentlemen, and their representatives have the interests of this state at heart as deeply as any representative that may come from the cities or the larger towns. It is right that these small towns should have this representation, and they are then not represented any better than the large towns or cities are, taking all the conditions under which they exist under consideration.

It seems to me that we are as well prepared to enter upon this matter now as we ever shall be. I am perfectly satisfied that it is the disposition of this Convention to retain this town system, and I am just as well satisfied that it is the disposition of this Convention that the basis for the first representative shall be 600. And it is my belief that we may



from are similar to those that exist in nearly all the prorated towns, except, perhaps, our debt may be a little larger. I think like this in the matter before us, that the cities cannot afford to ignore these small places. We are small, and if we are crowded much further, and you keep us without any better representation, or with less, there would not be much of anything left as far as representation is concerned, and a very small push would put us out of the way entirely. We have as good soil in our town as anywhere, even though we cannot be represented as other places are. We still have in our hearts the welfare of the state and of the community in which we live, and we still think it is just that we should be represented. We think that we ought to be encouraged in this matter. A little encouragement goes a good ways with us. We did get some little encouragement from the state. The legislature appropriated us some school money, and we

added to that an appropriation of our own. The very first appropriation we got for our schools we voted to raise more ourselves rather than to take our usual expenses out of this money. We began to hire a better class of teachers, and then things did not seem to correspond, and we had to fix up our schoolhouses, we clapboarded and painted and papered the walls of our school buildings, and put curtains over the windows and put in modern seats. We had a little encouragement, and we did more for ourselves on account of this encouragement than we otherwise would or could have done, and so we ask you to give us what encouragement you can, if not from a sense of justice, then out of courtesy, toward the small towns of the state.

Mr. Woodbury of Bedford—I did not expect to speak at all to-day, but there have been some questions raised by the speech of the gentleman from Exeter that it seems to me we ought to consider a little more fully than we have yet done. I come from a country town that under any arrangement which has yet been proposed will be entitled to one representative and only one. The population in my town is a little over 1,100.

When I came here, I came with the general impression that the house was too large and ought to be reduced, but it seemed to me that there would be some one here who would be able to show affirmatively *why* it was too large, and would show also affirmatively what number would be sufficiently large and not more than sufficiently large. If the present house of about 400 members is too large, what makes it too large? Is it because the legislation enacted here costs more to the state of New Hampshire than it should, or is it because it takes more time to get legislation worked through so numerous a body than should be the case? It appears that in Massachusetts, where the legislature is much smaller than here, they sit for six months in every twelve. The length of their session is about twice the length of our session, and while they are sitting six months in every twelve, to enact

We have rested purely upon the theory which the fathers declared when they first laid down our Constitution. The representative idea that they set forth was to have delegates from every one of these communities, these little political entities scattered all over the state, that each small political body might select one from their number and send him to speak and vote for it in the general assembly. There are objections to such a course at the present time, but I believe that the objection of the expense involved is a comparatively trifling objection. The gentleman from Concord, Mr. Lyford, has shown us the way we can go on without the expense of having more than 300 men to do the work; but what is the reason why he stops at 300? Why is not 200 a good number instead of 300, if we depart from the idea of representation by the town system. The gentleman from Peterborough, Mr. Scott, has pointed out that the delegates from

the country towns are equal in information and in ability to the delegates from any other places in the state; but after all, Mr. Chairman, it is not a question of information and ability in debate, it is a question of the number of votes. If we are to punish the big cities for being so big by reducing the number of their representatives here, will that be just and right? Will it be just to submit them to the sacrifice of their voting power, a loss which under some conditions would expose them to great danger.

The legislature which is to meet next month is to consider, very likely, a bill which will be a complete departure from our past methods of regulating the sale of intoxicating liquors. The conditions which surround that traffic in Manchester and in the larger cities of the state are entirely different from those which surround it in the country towns, and such cities need relief from the present conditions; but they may not have sufficient voting power to obtain such relief if they are sacrificed to the smaller towns. It will be quite difficult to explain to the gentlemen from our country towns the evils that go on in Manchester because of the prohibitory law, or the failure to enforce it. The gentlemen from the country towns may be the equal or the superior of the gentlemen from the city, in information and ability, but the question with reference to representation is not one of information and ability, it is one of voting power.

Now what relief can be given both to the men from the country towns and to those from the city. It evidently will be difficult if not impossible to change the basis of selecting our representatives from the town system to the district system. It is equally clear that this Convention will not vote to greatly depart from the present number of the representatives in the house, and it is equally clear that a reduction of 100 is not a sufficient reduction from the present number of the house to bring us to an ideal situation. And so, for the sake of enlightenment on this subject, I hope some man will tell us why it is necessary to reduce the house at all, and if it is necessary to reduce the house, to what extent it

the county of Grafton casts 211 votes more than the city of Manchester, and has seven less representatives. So I think the cities have no fault to find if their representation is reduced more in proportion than that of the outlying towns. Grafton casts 211 votes for each representative while the city of Manchester casts only 197 for each representative, so it seems to me that from that point of view the cities have no fault to find with their representation.

One thing further. I think it has been proven that the outlying towns vote for as wise laws on the liquor question as those the cities vote for, and it seems to me that we have no right to say that a city will not be fairly represented. As to correcting laws which now exist on the liquor question, I think this question has not been voted upon in the legislature for several years,—whether we should have a license or a prohibitory law,—but the gentlemen from the city, as

I understand it, have been advocating a prohibitory law up to the present time as well as the gentlemen from the country, and I think you will find a great many representatives from the smaller towns who will come here next month with the idea that they will vote for the license law. I know that is so from many of the small towns, I know that the representatives who have been elected are in favor of license, and will vote for it, so the cities will have nothing to fear upon that score.

I believe that the bill of the gentleman from Newport, Mr. Barton, offers a pretty fair measure. We should remember that New Hampshire does not want to discourage the small towns. I don't believe it wants to discourage the people from living in the rural districts of the state. New Hampshire is made up of a large amount of territory which is not thickly settled, but from which a large amount of business comes in the shape of summer visitors, and we want to encourage the living in these rural communities, we want to encourage this summer business. The gentlemen who live in the city cannot appreciate what it is to live in the small country communities, and perhaps not get your mail for a week or a fortnight, but if you should go there for awhile and live you would appreciate that, and it is on account of these difficulties under which the people of the country live, who, I believe, should be encouraged.

As I have before said, we have a summer traffic here which is one of the best things that New Hampshire has in the way of bringing money into the state, and that should be encouraged. Let us, therefore, encourage the people who live in these country towns.

There is another reason why the country towns should have a larger representation in proportion to population than the cities. In the outlying towns the number of voters are greater in proportion to the population than in the cities. I think statistics will show that the cities have as great representation, or better if anything, than the smaller towns have to-day.

the present system and make the number 600 for the first representative and 2,000 for the second, or 800 for the first and 2,000 for the second. It seems to me that we are all members of one community, and we ought to work in harmony for the good of the state, and if the towns are willing to sustain the loss, then I believe we should give to them the system which they seem to desire, and which they are earnestly advocating here. Under the existing system the cities are well represented, and under the change proposed the loss does not fall upon the cities to the extent that it does upon the towns.

Mr. Lamprey of Concord—I may at a later date wish to say a few things in regard to this matter, but I desire to inquire at this time if, under Mr. Lyford's district plan, this surplus which has already been spoken of at different times would not rapidly and almost entirely disappear? Would

not these towns gain a larger representation than they now have? I am of the opinion that there would be scarcely any surplus unrepresented population at all under Mr. Lyford's plan.

Mr. Shute of Wentworth—I move that the committee do now arise, report progress, and ask leave to sit again. Motion prevailed.

In Convention.

(The President in the chair.)

Mr. Jewett of Laconia, chairman, reported that the Committee of the Whole had had under consideration the matters which were made the special order for the morning relating to the apportionment of the house of representatives, and had in particular been discussing the resolution offered by the gentleman from Concord, Mr. Mitchell, and also particular mention had been made of the resolution offered by the gentleman from Newport, Mr. Barton, and there had been a general discussion upon the matters covered by the special order. These matters had been discussed by the following speakers: The gentleman from Concord, Mr. Mitchell; the gentleman from Stratham, Mr. Wingate; the gentleman from Exeter, Mr. Eastman; the gentleman from Peterborough, Mr. Scott; the gentleman from Dorchester, Mr. Ashley; the gentleman from Bedford, Mr. Woodbury; the gentleman from Plainfield, Mr. Penniman; the gentleman from Portsmouth, Mr. Collins; the gentleman from Plymouth, Mr. Wentworth; the gentleman from Nashua, Mr. Hamblett, and the gentleman from Concord, Mr. Lamprey; and having reported this progress the committee asked leave to sit again.

Leave was granted.

On motion of Mr. Lamprey of Concord, the Convention adjourned.



on the Legislative Department; and on motion of the same gentleman, the resolution was referred back to the Convention and laid upon the table to be taken up in connection with the resolution of Mr. Chandler on the same subject.

Mr. Clement of Manchester offered the following resolution:

*Resolved*, That when the Convention this afternoon considers the proposed amendment relating to the suffrage for women, all persons who are interested shall be admitted within the chamber, so far as they can be comfortably accommodated.

Motion prevailed.

Mr. Smith of Hillsborough, from the Committee on the Judicial Department, to whom was referred the resolution

offered by Mr. Sloane of Haverhill providing for the appointment of sheriffs by the judges of the superior court, reported the same with the following resolution:

*Resolved*, That the Constitution of the state ought not to be amended as proposed.

The report was accepted and the resolution adopted.

Mr. Aldrich of Whitefield offered the following resolution:

*Resolved*, That all of articles nine and ten, part second of the Constitution be stricken out and the following substituted:

ARTICLE 1. *Resolved*, That the membership of the house of representatives shall consist of one member from each town and ward in the state.

ART. 2. No town or ward shall hereafter be so subdivided as to increase its representatives.

Ordered printed and referred to Committee of the Whole to be considered with other resolutions of a like character.

Mr. Aldrich of Littleton offered the following resolution:

*Resolved*, That the Constitution be so amended that until otherwise provided all towns and cities shall be entitled to the same representation in the house of representatives as now and no more.

Ordered printed and referred to Committee of the Whole to be considered with other resolutions of like character.

On motion of Mr. Little of Manchester, the Convention resolved itself into Committee of the Whole to consider the various resolutions relating to representation.

In Committee of the Whole.

(Mr. Briggs of Manchester in the chair.)

The Chairman—Gentlemen, you are now in a Committee

equal pride in the eleven cities of our state, and recognize that they have some rights in this Convention. It seems to me, gentlemen, that if we make the progress which we desire, we must work in harmony. I very much regret that several members of the Convention have spoken in slighting terms of the foreign population of our cities, referring, I suppose, to our naturalized citizens. I represent in part a ward which has nearly 1,700 voters, quite a large proportion of whom are natives of Canada and Sweden. In intelligence, in devotion, and loyalty to the government of our state and nation, they will compare favorably with the citizens of the town of Nelson, or any country town in the state. Two of my colleagues are not natives of this country, and yet there are few people in the city of Manchester who are more highly esteemed. In my opinion, there are no members here who have more interest in the work of the Convention and are

more devoted to the best interests of our state than these two gentlemen.

In the debate last Thursday, the gentleman from Temple made the statement that in his opinion only the amendment proposed by the gentleman from Newport, or some of the amendments in that line, would be ratified by the people of the state. I am equally certain that such an amendment will not be ratified. The people of Manchester and other cities are awake and alive to their interests. The gentleman from Acworth has told us that the people of his town consider the great end and object of life to be the privilege of sitting in the legislature. The people of Manchester do not go quite so far as that, but if you think that we are not alive to our interests, you are mistaken. A gentleman said to me this morning that almost any measure that may be approved by the country towns will be ratified at the polls, because the people of the cities will not be sufficiently interested to come out and defeat it. I think this gentleman was mistaken. In my opinion, if we pass an amendment here that makes the inequality of representation very much greater than it now is, you will find the people of the cities voting almost solidly against it.

The gentleman from Newport comes here with the proposition to make the basis of representation for the first representative 600, and to make the mean increasing number for additional representatives 2,000. The gentleman from Peterborough proposes to make the mean increasing number 3,000, leaving the number necessary for the first representative 600. Now, gentlemen, as you well know, there is a large inequality in our representation to-day, and the country towns have decidedly the advantage.

Is not this a fair proposition? If you make the mean increasing number 3,000, make the basis of representation for the first representative 1,000, and that will leave the ratio as it is to-day. But a better plan, in my opinion, would be this: Make the basis for the first representative 800, and the mean increasing number 1,600, and that will also leave

are, and I do not know but they are as intelligent and as well qualified to vote as the citizens of the country towns; but they were far from being equal to the population of our country towns at the time I speak of, and at that place. Perhaps in this state they were better, and perhaps they have improved much since. That is more than I know, but at that time, I venture to say, if I am competent to judge, that they were far from being as good citizens, as a whole, as the native-born men. By what I said the other day I did not mean to reflect—although perhaps I did to some extent—upon the character of these naturalized citizens.

For one, I cannot see from the nature of the case why such a city as Manchester—why thirty representatives would not represent that city equally as well as forty-nine, which they now have. It seems to me that there must be the same community of interests in a city that thirty men can represent

quite as well as forty-nine. But in relation to the country towns it is quite different. The people are spread over a wide territory, and they are more separated, and not as compact as those in the cities, and they cannot have the same community of interest from the nature of the case as those who reside in the cities do, and I see no reason in my judgment why the country towns should not be better represented proportionately than the larger cities.

Mr. Lamprey of Concord—I wish to take up the time of this Convention for about five minutes, and I hope I can get through in that time. There are some things that ought to be said in this connection. The state of New Hampshire has sent us here, if it has sent us here for any one thing, to reduce the number in the house of representatives. There is no question about that. I have talked with the people in the country and people in the city, and it is the unanimous opinion, so far as I have been able to learn, that the house of representatives should be reduced, and reduced essentially. Now we make a proposition to the country towns, and they tell us that they are willing to reduce the house of representatives, but they want to do it as the white man wished to divide with the Indian. They had a crow and a turkey to divide between them. The white man said, “You take the crow and I will take the turkey, or I will take the turkey and you may take the crow.” The gentleman from Newport, Mr. Barton, comes here and says, Yes, we will cut down the representation, but we will keep what we have and cut you down, or we will cut you down and keep what we have. That is about the size of it.

The representation, as was said by a speaker who has recently spoken, is now in favor of the towns, and I am willing that it should remain there, but never will I, never will my constituents, consent to take one step toward reducing the house of representatives in such a way as to make the disproportion larger than it is and bring this state to the condition of Vermont and Connecticut. A democracy does

This amendment proposed by the gentleman from Newport, Mr. Barton, would be equivalent to enfranchising every woman and child in the small country towns. I am in favor of the enfranchisement of women; but if you are to enfranchise the women in the country, you should also enfranchise the women in the cities. I believe in fair play.

Our fathers took a step in the wrong direction when they established the principle that a man living in the country should count for more than one living in the cities. A great deal has been said about reverence and veneration for our forefathers. I believe that we should reverence them, but I do not believe in going so far in that direction as to overlook their mistakes, and they did make mistakes. They did not make a Constitution that was perfect, and they didn't look at it themselves in that way. The Constitution that was first made had not been in force a great many years

before they gathered here and introduced seventy-two propositions to amend. That does not look as though they thought they had reached the climax of equity, justice, and right in this matter.

Another principle which seems to be upheld by the advocates of the town system, and one which I think is wrong, is that the representatives of the people should live on the same hillside as the people they represent. That is an exceedingly narrow way of looking at it. Let me give you an example in national politics, which is only a wider field than that of the state. You remember a few years ago this district was looking around for a good man to represent them in congress. The city of Concord, or any other city in this district, might have come up and said that they would not be properly represented if a man was chosen from any other place than such city; but they did not do that. They found a man down in Bow, in the person of Henry M. Baker, and sent him to congress, and everybody, so far as I know, was pleased with the manner in which he represented the district. I do not think there is a man here who would say that anybody suffered on account of Mr. Baker representing the whole district.

I think it is conceded that thirty members would represent the city of Manchester as well as forty-nine; but I think it is equally true that one man from five hill towns would represent the five hill towns as well as six, or eight, or ten men could do it.

There is one thing that has not been touched upon. The gentleman from Bedford, Mr. Woodbury, spoke this morning about the interest the cities had in the question of the prohibition of liquor, or the sale of it. That question is coming before the legislature, and in the consideration of such questions as that it is not sentiment that governs, but facts, and the legislature will want to know the facts. The cities know the facts that concern them. Then there are large financial interests centering in the cities that must always center there, and the people of those cities have at



state. To approach this question in any but the most liberal and tolerant spirit and on the broadest lines of equality can meet with but one result and one action on the part of this Convention, and that is its disapproval. Any attempt to favor one locality or division of this state at the expense of any other locality ought to meet, and will meet, with the disapproval of this Convention.

This question of the reduction of our present house of representatives is too momentous for politics or partisanship to play hide-and-seek with, and it needs to be met on the broadest lines of equality and right. This brings us face to face with the consideration of the question, What is an equitable method of reducing our house of representatives? Every resolution that has been presented to this Convention, with a few exceptions, have been measures of expediency rather than principle, and have not been based upon equality, but

upon expediency. With the single exception of the measure introduced by the gentleman from Concord, Mr. Lyford, I think that is absolutely true, that all the propositions made here have been on the basis of expediency rather than on the basis of principle.

Now it must be admitted by the candid man of this Convention that our present house of representatives is too large, and it is growing constantly larger, and that a smaller body would as easily do the work without any loss to the quality of the work. I say that, I believe, will be admitted by the great majority of the members of this Convention. Now what measure will best meet the need and the wants of the whole people of this state, and the demands for the reduction of the house. Let us meet this question courageously. Let us give to the people of this state a measure that will meet the honest demand of every portion of this state on this question; that will equally represent every man, woman, and child within this state; that will not give to one town, because it happens to have 601 or a few more inhabitants, a greater voice in the legislation of this state than another portion of the state.

I think the district system, or some modification of it, such as has been presented by the gentleman from Concord, Mr. Lyford, is the only fair, honorable, and just measure which has been introduced into this house.

I want to say in answer to the gentleman from Nelson, Mr. Osgood, that if it is true that the rural community of this state represents a higher intelligence than the city, then his argument falls to the ground, because if that is true, then those benighted heathen, sitting in darkness in our cities, should have a double representation in the legislative bodies of our state, that they might be trained in self-government and civic virtue.

Mr. Busiel of Laconia—I am opposed to the present so-called system of town representation. I think it is a misnomer, because, outside of the state of Connecticut, which

vision in the Constitution which provides that the districts should be divided in proportion to the valuation of the property, and I would gladly vote to strike that out. That is, you divide the state of New Hampshire for representation in what is called the highest body, not on the principle of population, but on the principle of valuation, and I would strike out forever, if I could have my way, the principle of representation based upon valuation in any form.

I am in favor of dividing this state into districts. It is not for me to say how many districts, but for this Convention to say.

I may be entirely wrong, but I understand that the house of representatives is not a body of men representing the towns and cities of this state, but the people of the state. This Convention is a body representing, not the towns and cities of the state, but the people of the state. When the

people of the state made their Constitution, they reserved to themselves one right—the right of telling how they should amend that Constitution, and they provided when it became necessary to change the Constitution, that it should be done, not by a vote of the majority of the towns and wards of the state. There is nowhere in the Constitution, or in the laws, anything which will enable any man justly and properly to say, as I understand it, that these men who are to frame amendments represent the cities or towns of the state of New Hampshire, but I think that this body of men which I see before me, represents the people of the state of New Hampshire, and we are the delegates of the people of New Hampshire. They cannot come here, and they have chosen us as their delegates, not as representatives of cities and towns, but as delegates representing the whole people, and we are met here for the purpose of making a proposed amendment that will reduce the house of representatives, and we should do it with a view to the interests of the whole state and not to the interests of any one town or city in the state.

I was sorry to see, when this debate began, a spirit on the part of the men who come here from the small towns of the state to bind themselves together. There was an attempt to have a caucus, but the notice for it was withdrawn. I do not believe in any such thing as drawing a line between those who favor the town system and those who favor the district system, and I hope it will not be done.

I was born in an agricultural town, and I wish to say here in considering this question, gentlemen, that you will make a mistake if you think there is any sanctity whatever in the town and ward lines of this state. I was born in the town of Gilford, which was taken from the town of Gilmanton, and afterwards still another town was taken from the town of Gilmanton. Still later, a portion of Gilford was annexed to the town of Laconia, and still later a portion of Laconia was annexed to the town of Gilford, and when the city of Laconia was incorporated another part of Gilford was taken and included within the city. Laconia, when it was first

part of a district. They will give those people due consideration, and will give them an election to the house just as they do to-day, although perhaps not so many of them—I hope not.

The question was asked to have some one prove affirmatively that the house is too large. There are some things that do not need to be proved affirmatively. If a man is studying mathematics he knows that there are some things that are axiomatic, and do not need to be proved. For instance, a straight line is the shortest distance between two points. It is axiomatic that this house is too large, and it is too large why? Because it is perfectly evident that this hall is not large enough to accommodate comfortably so many, and the proposition has often been considered, and considered seriously, to enlarge this state house so as to get a bigger hall of representatives. Another reason that the

house is too large is because it is cumbersome. It is not an easily governed body of men. I never have had much occasion to find fault with the laws that they have made, or with the representatives themselves. Those that sit in the front seats of this house, as a rule, are men capable of directing legislation, but they could more easily direct a smaller body.

I object to this principle of representation now in force and as advanced by the gentleman from Newport, Mr. Barton, because it is utterly unjust and unequal. It is not a great many years ago that the people of this country assembled in Philadelphia and promulgated to the world the doctrine of freedom and equality, the first thing of the kind that ever saw light, and that was promulgated in the Declaration of Independence. There they enunciated the doctrine which has shaken this earth from center to circumference. They said that all men are created free and equal. Then the state of New Hampshire, which was one of the thirteen to ratify the Constitution, had to construct a Constitution of its own, and in that Constitution the first provision says, "All men"—not a man in Manchester, or a man from the hillside, not a man in Coös, or in Sullivan, but—"all men are born equally free and independent." And the second article starts with these words: "All men have certain natural, essential, and inherent rights." There is no reservation about *some* men, but it means *all* men. Straight through the Bill of Rights, and straight through that Constitution, you will see the same principle. You will not see any shadow of variation or turning from it until, Mr. Chairman, you strike the article providing for a method of representation. That is the first departure from this principle. When you come to article eleven it says: "All elections ought to be free, and every inhabitant of the state having proper qualifications has an equal right to elect, and be elected, into office." There is nothing said here about a man in the country town being equal to two men in the city. There is nothing said here about the proposition to make a man in the country town equal to four men in the city. But

for and strove to uphold, it was the principle of equality among men. When our forefathers declared the independence of this country, that was the first time that the principle of equality had a chance to assert itself; it was the first time that the people had courage to rise up against a despotic and aristocratic government, and every one who did it put his head into a hangman's noose, and especially those who signed that immortal instrument, the Declaration of Independence.

This country was founded by men who came across the water and landed here, and settled this country for the purpose of gaining liberty and independence in political rights and in religion and the right of worship, and those that have come here since have come for similar purposes.

I have no sympathy with the argument here that one class is better than another, not at all. I am engaged in manu-

facturing. When I entered that business there was hardly a person in the factory but what was native born. We had a few Irishmen, but of Frenchmen there were none. Those people that have come here since have come, why? Because we sent out invitations for them to come here? Nothing of the sort. Because we wanted them to come here to displace our own people? Nothing of the sort. There is no manufacturer who will rise in this house and tell you that they employed those people and sent invitations for them to come here because they were better people than ours, or anything of that kind. Those people came here for the same reason that sent the people to this country in the first place, and for the same reason that has been sending people here ever since the country was founded—to better themselves. Our people could not furnish the help to run the looms in the state of New Hampshire, and if manufacturing had to depend upon the native population to run those looms they would practically all stop. These people have come here, as I have said, to better their condition, and we must not discriminate against them. There is no sound reason why we should assume here that 600 people out on the hillside are better than 1,799 people somewhere else, but that is what you are doing. That is what the Convention which came here and said that 600 people should elect one representative but it should take 1,800 to elect two, did. Now shall we fix it so that 600 people will be as good as 2,599 people? That is what you would do if you accept the amendment proposed by the gentleman from Newport, Mr. Barton.

This form of representation is vicious, and it was vicious from the first. It never was right because never just. It was never right because never equal. You cannot make injustice and inequality right, I don't care what you do.

Now if you will take this matter and meet it courageously and adopt a measure and place it before the people of New Hampshire which will give them a house of reasonable size, elected upon the district system, and then go among them and say, gentlemen, you must place yourselves in line with



them have been in this very chamber and made laws for the state of New Hampshire. There can be no question but what they are intelligent and far-sighted. They have built up the greatest empire that has ever been built upon this earth, and some of those Western states have two, three, and four millions of people in them. But they do not have a house of five, six, seven, or eight hundred people to represent those millions. They say that 100 people is sufficient, or a majority of the states do. The majority do not have more than 100 representatives in the popular branch of their legislature. Does any man say that the Western people are not thoroughly represented in their house of representatives by these 100 men. If so, I would like to have them show me the particulars and show where they fail. I do not think a man here can say that they are not well represented. I think their laws are as good as ours,

and their property and individual rights are as well safeguarded. The great state of New York, with its six million people, has a house of but 150 representatives, which would be but one representative to every 40,000 of people. It is no answer for any man to say on this floor that there has been in the state of New York laws which were not good, and that there have been things done in that state of which we do not approve, or that there have been things done in the city of Philadelphia and the state of Pennsylvania of which we do not approve; it is no answer to say because they have had trouble it has been due to faulty basis of representation. Those evils have been inherent in their system of government, as they are inherent in all systems of government.

I do not come here with any remedy for all the evils which exist in New Hampshire, or to offer any panacea whatever. I come here believing thoroughly and honestly that this state has always made a mistake about its representative body. I come here believing that the system will never be satisfactory, both because it is unequal and because it is not and cannot be permanent.

Something has been said here with reference to increasing the size of our senate. If it is necessary to increase the size of the senate, I would be very glad to do it; but I say, by all means, lessen the size of the house. I believe that to be the popular demand in the state of New Hampshire. I believe that to be the demand of the people who caused this Convention to assemble. If I had my way, I would cut this body down so that it would not consist ever again of such number of men as it has now, or has had in the past. If 300 is right, I will not object to that. I do not think, however, it is right. I would rather have it 100, but if I cannot get what I want, I will take what you gentlemen think is best, but to whatever size we reduce it, let us reduce it on such a system that the reduction will be permanent. I think that this Convention should materially reduce the representation in New Hampshire. I think that was the purpose for which it was created. I think we shall fail in our duty if we do

able him to enact the laws for our state without calling upon the state of New Hampshire to pay for such education.

Now let us look at this from the standpoint of expense. Do you stop to think what we are paying 400 men to come here and legislate for us every two years? There was a time not so very long ago when a member of the house was paid three dollars a day, and at one session they were kept 101 days, and each member received \$303. At that time the pay-roll of that house was somewhere like \$125,000—somewhere in that neighborhood. That appeared a little too steep, and the people of the state didn't like it, and they did succeed in amending the fundamental law of the state so that the compensation of each member at any legislature was \$200, and that is what it now is, so that, taking the pay-roll of the house as it is now, consisting of 397 members, and you have almost \$80,000 for the pay-roll of the members, to say

nothing of the officers and the other expenses of the legislature. If you had a house of 300 members, your pay-roll would be \$60,000, and that would mean a great saving over a membership of 400. But if you should cut it in two, and have a house of say 150 members, you would save \$30,000 additional in money from the pay-roll alone, not to speak of the other expenses, which would amount to as much more. And what is that for, what is the expense that we are now incurring for? To enable 400 men to come here for a short session and make laws. Is it not better to save that money and put it into your popular educational fund for the benefit of the whole state? I think it is. I believe it is. Whether that affects any particular man's pocket much or little is not to be considered here, but how it will affect the whole state. I can remember when the whole expense of the state of New Hampshire, every expense of the carrying on of the state government from one year's end to another, was only \$60,000, and by cutting the legislature down to 150 members you can save as much money in one year nearly as it used to cost the state of New Hampshire to run all of its departments.

I sincerely believe, Mr. Chairman, that the time is certainly coming in New Hampshire when we must make this change to the district system, and why not make it now. Why not make a new departure at this time. I think if we adopt the proper system the people of New Hampshire will endorse it.

There are certain things about the proposed amendment offered by the gentleman from Concord, Mr. Lyford, of which I do not approve, and one of the most objectionable is the method of redistricting the state. I do not think the county commissioners, able men as they undoubtedly are, the proper men to make the distribution. I think it ought to be done by a different tribunal. But that is for some one else to determine and not for me. I thank you for your attention.

Mr. Lyford of Concord—After having been rebuked by the gentleman from Exeter, Mr. Eastman, for presuming to

environments. The gentleman who is absent from his seat to-day—the gentleman from Franklin, Judge Blodgett—suggested to me an amendment which would take the making of the district lines out of the hands of the county commissioners and substitute for the county commissioners a board to be appointed in each county by the superior court of the state. That proposition, he said, would meet with his approval, and the approval of many others in this Convention who object to the proposition as it stands. That amendment would meet with no opposition from me. I am willing the district system shall be perfected to accord with the ideas of the people of this state, and be so adapted that it will fit into our conditions and our environments.

The gentleman from Acworth, Mr. Mitchell, has said that the only thing that cheers the men of the back towns as they toil in the hot sun, working with the hoe and with the scythe,

is the thought that comes to them that sometime it may be their turn to come to the legislature. I imagine that the gentleman from Acworth has hit the nail more squarely on the head than any man who has described the town system. The gentleman from Peterborough, Mr. Scott, who has filled every office within the gift of his town, who has been representative and state senator, who has been high sheriff of his county, who has been a member of several Constitutional Conventions, and in all those places has brought honor to himself and to his constituents, says that he is ready to surrender an additional representative from his town that the country towns may get a larger proportion of representation. If, as stated by the gentleman from Acworth, the one thing consoling the men of the country towns and the only cheer that they have is the prospect that it will come their turn sometime to go to the legislature, does the gentleman from Peterborough think this same condition does not exist in large towns like Peterborough, and in cities like Manchester?

There was a man in a country town who had held the office of third selectman, second selectman, and first selectman, and other offices in the town, and had been representative, and when his party met in caucus the next campaign this man was absent. His son was present, and one of the leaders said to him, "Sonny, where is your father?" "Oh, father? Father has held all the offices, and he has got done." Now the gentleman from Peterborough, who has held all the offices, perhaps has got done, but there are younger men coming up behind him to whom this ambition of representing the town of Peterborough in the legislature is just as dear and just as important as it was to him.

The gentleman from Peterborough, Mr. Scott, and the gentleman from Newport, Mr. Barton, have presented a proposition here which provides for increasing the inequalities of representation between the towns of more than one representative and the small towns. What is the result of that proposition carried to its logical sequence? The small towns come here and say, You may make a reduction of this

cations and standing in town, would make better representatives for that locality than other men. That what was sought were proper men to speak for the locality, men who could vote intelligently because of their knowledge of affairs. I supposed that that was the theory of selection of representatives instead of the system suggested here, that each man should have his turn in going to the legislature.

Delegates have appealed to sentiment in connection with the reduction of the house. Let me reply that it was not sentiment that elected my friend from Lancaster, Mr. Kent, when he was sent here by both parties. It was not sentiment that sent here my friend from Portsmouth, Mr. Norris, it was not sentiment that sent here the gentleman from Franklin, Judge Blodgett, nor sentiment that elected the gentleman from Ward four, Concord, Mr. Mitchell. It was not sentiment that sent these men here. They were elected

for practical reasons with the hope that they would rise above sentiment and local feelings in working out amendments to the Constitution and presenting them to the people. We none of us were sent here to serve our towns alone, but to serve the whole state.

If you will look into the proceedings of the Massachusetts Convention of 1853, you will find Henry Wilson was elected from two towns, and several other members were elected from two towns because they were men who could do the work of that Convention well, or help do it. We stand here as representatives of the whole state, and whatever we do here is for the benefit of the whole state, is for the benefit of every town in the state, directly or indirectly.

Something has been said here by the gentleman from Concord, Mr. Mitchell, and by others of the veneration we should have for the present Constitution, because it was built by the fathers. I maintain that we show no disrespect to the fathers if we can improve the document, considering our conditions and environments, which are different from what they were at the time the Constitution was made. The gentleman from Concord, Mr. Mitchell, said that the fathers were confronted by the same conditions that confront us to-day. I beg leave to differ with him. The inequality of representation then was not such as now. There was no city in the state. Manchester was not in existence, Concord was a country village, smaller in size than Hopkinton, and Portsmouth was the principal town of the state.

Gentlemen admit here, one after another, that the district system is a system of equality and justice, and if we had to construct a Constitution, if we had to build anew, we should build on the district system. The fathers themselves, if they were here and had to deal with our conditions, would deal with them as Mr. Plummer, who was quoted by the gentleman from Concord, Mr. Mitchell, wished to deal with them then, because he saw farther into the future than any other of the delegates. He saw what has since happened that we would grow to be a great state as well as a great nation, and that the town system would be unequal and unjust.



voting, and a higher property qualification for holding office in all of them, but all of these things have been wiped out, and it is no reflection upon the fathers that they have been wiped out.

We are brought face to face here with an important question. The first time I took the floor, I said to you, and I repeat, that the facts as demonstrated by the tables presented show how impossible it is to obtain any considerable reduction of this house under the town system that will not increase the inequalities already existing and prorate half of the towns of the state. Are we then to submit what we ourselves disapprove? In the Convention which framed the federal Constitution, when it seemed as though the attempt to frame a Constitution would fail because some of the members set the interests of the states higher than those of the nation, its president, George Washington, made one of the few

speeches he ever made, a speech of five or six lines, which ought to be emblazoned in letters of gold in every school-house, and in every house of assembly in this country. Standing there before that body, when it seemed as though local jealousies would bring their work to naught, he said: "It is all too probable that no plan we propose will be adopted. If to please the people we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and the honest can repair. The event is in the hands of God."

Is not this the spirit to actuate us?

Appeals have been made to the memory of the past. Let me speak of the past and of those men who set aside their individual opinions and helped frame our Constitution, and who gave that assent by which New Hampshire became the ninth state to adopt the federal Constitution, thus sealing the work of the Convention.

New Hampshire was the first state to have a written Constitution. It was on New Hampshire soil that the first overt act of the Revolution took place and not at Lexington, Massachusetts—it was the taking of Fort William and Mary by the New Hampshire patriots under John Sullivan and John Langdon. And there was secured the gunpowder which was used at Bunker Hill. New Hampshire had more men at Bunker Hill than Massachusetts. It was in Portsmouth harbor that the first warship of this country, the *Ranger*, was built. The first time that the flag of the nation was raised at a masthead it was raised at Portsmouth on this ship, and the first time the flag was seen abroad was when John Paul Jones in this ship carried the news of Burgoyne's surrender to France. The first public library in this country and in the world was that established in the town of Peterborough in 1833, and the first public library to open on Sunday was this same Peterborough public library. The first state to make an effort to encourage public libraries was the state of New Hampshire, and the first state to make appropriations for the building up of public libraries was the state of New

that it was the idea of the framers of this Constitution, and for more than 100 years it has been the principle of New Hampshire, that the little country towns had the right equally with the larger towns to be heard in their own defense in this, what is called the general court of the state.

We have been told about these small legislatures of other states. Do we want to adopt them? Are we ashamed of the legislation of the state of New Hampshire; does it not compare with Maine and with New Jersey, where their general law for the incorporation of companies is regarded with suspicion? Does it not stand favorably with Delaware, where they have not been able to elect a senator for years on account of bribery and corruption? Does it not stand favorably with the state of Montana, where the United States senate sent a senator elected from that state back to his home, and said that he was elected by the corrupt use of money?

Have they ever, in the state of New Hampshire, tarnished our fair fame with such corruption or such disclosures as that? It seems to me that the people of Grafton county who elect forty-two representatives to this legislature while the city of Manchester, casting less votes, send forty-nine, are not inequably represented, and it seems to me that the cities of this state are well cared for. It seems to me that if the city of Concord can send representatives to the legislature based upon the population, including the insane at the asylum and the criminals at the state prison, the country towns ought to be able to at least send one representative, based upon their legitimate population, and that they have the right to be heard, and that they should be heard in this legislature.

I believe this Convention is ready at this time and will continue ready to act upon the Constitution as framed by the fathers, and which has been good enough to take good care of us and give us good laws for the last one hundred years.

Mr. Kent of Lancaster—Mr. Chairman, I have no desire at this time of the discussion to attempt a speech, utter an oration, or do anything except make a very few suggestions in regard to the question before this body. I have been to-day, from early morning, coming from my home up in the county of Coös, where the mercury is 20° below zero and the wind is blowing 100 miles an hour.

I was glad when I came into this body this afternoon to hear the remarks of one of the delegates from Laconia, Mr. Busiel. I remember the last time he and I addressed a deliberative assembly in this hall. It was on an occasion when we were endeavoring to obtain an appropriation to build the structure that now stands over Endicott Rock at The Weirs, to keep intact the old ideas and love of the old things; to strengthen that love and veneration in the state for that which is old and which existed at its foundation.

I have heard discussed to-day, or occasional reference made to the remarks of the gentleman from Acworth, Mr. Mitchell,

then attempt to argue it, although I said I was in favor of the town system and trusted it would be perpetuated, and made the suggestion that I hoped, by concurrent action and mutual concession, we could come together on some ground that would be satisfactory to all. That is what I now hope we can do, and I believe we can do it.

I have listened with interest to the polished, scholarly, and finished oration of the gentleman from Concord, Mr. Lyford; he has handled the debate on his side of the question with great clearness and ability. He says that if the town system is retained, the inequalities will be greater than they are now. I have merely this to say, Mr. Chairman and Gentlemen, that I do not believe, in the first place, there was a great or crying demand for this Convention. By no means was this Convention called by an overwhelming majority of votes. The people of New Hampshire did indeed vote for the Convention,

but it was by a very small majority, which fact would indicate that there was no great demand that the house of representatives should be reduced at this time. I think that that is a fair inference; that the people of New Hampshire do not care much about this proposed amendment.

Another thing, I do not think that we are to be, or should be, in any manner controlled or influenced in this matter because Maine, or some other state, or other community, has acted differently. It has always been a proud thing to me that New Hampshire was an independent state. She has not *followed*, but has generally *led*. New Hampshire raised the regiment that defeated Baum at Bennington—and hampered the operations of Burgoyne in 1777; while the continental congress hesitated in uncertainty John Langdon, the Portsmouth merchant, pledged his fortune to equip men, if John Stark, still smarting from injustice done his military services, would lead them; the result of this *independent* action outside all example or precedent, being the victory at Saratoga, which led to the alliance with France and the train of events securing our independence; this in reply to citations by Mr. Lyford of patriotic events referred to in support of his line of argument for the district system.

New Hampshire has always prided herself on her independence, and whether we have a legislature of 200 men or 400 men it is her concern and that of nobody else.

As I have said, I do not think there is a great demand for the reduction of this house. In some way the feeling has grown up in certain quarters that it is absolutely necessary to reduce the house of representatives, but I do not know why. What difference does it make if we have to put in a dozen or so more people and more chairs in the corners of this room? For one, I believe there is strength in popular and large assemblies. I do not think the examples of states in the West with 100 representatives, or the example of Massachusetts with the district system, or of Connecticut or Vermont with one representative for every town, has anything to do with us. We are to judge for ourselves.

came together and made an indissoluble union of indestructible states, they should be continued in their independence, and no town or city of New Hampshire should lose its individuality and be lost amid the other municipalities of the state. I believe it is the independence of the country towns that has nursed and strengthened the independence of the young men of those towns. Our young men come from such towns to the cities, and are proud of what they accomplish there, proud of the industries, thrift, and progress of the cities that are largely recruited from the energy and the enterprise of these young men from the towns. It is to the towns that the cities look for new blood, and it is the people once from the country that will be financiers of great industries, that will run railroads and carry on commerce throughout the country. These are important factors. I am entirely in earnest in bringing this matter before

you, and you will see the connection when I say that it is the independence of the different municipalities that gives to those communities these sturdy, rugged men that help on the progress of the country.

I have only one or two things more to say. It seems to me that this discussion has shown that the trend and drift of this Convention is to maintain the town system of representation. It seems to me, however, that it is best to debate further and to further discuss this question in order that we may come to a point where we can agree upon some particular bill. And as far as I am concerned, I believe that the proposition of the gentleman from Newport, Mr. Barton, which makes the population necessary for the first representative 600 and the increasing mean 2,000, is probably as good a proposition as has been placed before this Convention. It has been said by some of the distinguished gentlemen on the floor that the effect of that would be to do injustice to the cities. I think they must have weighed their words carelessly when they made that statement, because I know that the larger towns would lose some in representation. The talk is to reduce this house 100 men, and they say that the plan of Mr. Barton would take it all from the larger towns and cities. One man whom I very greatly respect told me that that would be very unjust. I have said all the time that if we could compromise we should compromise. I believe I have also said that a great statesman remarked that compromise was the essence of politics. I thoroughly believe that to be so, and I, for my part, am willing to do what I can do to bring about a compromise that will be assented to by all sides. If this is unjust to the larger towns, and it is in a way—my town has three representatives now in the house of representatives, and by this proposed amendment we should lose one,—if it is unjust to the larger towns, it might be well to compromise by raising the number of population necessary for the first representative to 800. I have no right, perhaps, to say what the people of my town would do; but I believe that they would assent to this proposition, and I think that



question, but my argument is based upon the broad principle of the independence of the municipality and upon the effect that independence has upon individual character. And I beg to say to the delegates from the larger towns and the large wards in the cities having a surplus number, that it makes a great difference to the small towns whether, if the town system is to be retained, they are deprived the benefit of direct representation except occasionally and at less frequent periods. I believe that the government of New Hampshire, that the prosperity of New Hampshire, the honor and repute of New Hampshire, are based largely upon the representative system she has had, and I should feel that it would be a great detriment to her if systems were changed so that the independence of these little republics be lost.

This you may consider to be sentiment, but sentiment is of importance. As some one has said, "Let me write the songs of a country and I care not who makes its laws." I

believe sentiment to be stronger than all the other forces that rule the world, sentiment will largely control this question, as I believe, when it comes before the people. It is true that there is a feeling among the people that their legislature is of advantage for the purposes of education, and there is also a feeling among the country towns that it is an honor to send a representative to the legislature, so that by that means they are retaining their independence as a town and as a municipality. If we do things here that are not in accord with that sentiment, if we do things here that are unsatisfactory to the people of the state, they are going to repudiate our acts when they come to vote upon the amendment. The only way by which we can avoid this result is by consultation by both sides and a getting together upon some satisfactory proposition that will meet the reasonable desires and sentiments of the people. I hope the Convention to-morrow will vote to retain the town system, that concessions will be made by gentlemen representing the towns so that it will be satisfactory to the cities, and that concessions will be made by representatives from the cities so that it will be satisfactory to the towns, and that by such mutual concessions we shall have a measure adopted that will be approved by the people and will continue,—the system that has had much to do with the making of New Hampshire what she is, and will keep the independence of our little republics unimpaired.

Mr. Mitchell of Acworth—Mr Chairman and Gentlemen of the Committee: I little thought that I should come before you again to right things that seem to be going wrong. I have come down here to see if I could make some things right with you, the gentleman from Manchester, Mr. Little, and with you, the gentleman from Laconia, Mr. Busiel, and with you, the gentleman from Concord, Mr. Lyford. The idea is going out through this committee that the rural towns are blaming your cities for something in regard to the qualifications of your representatives. I wish to make that right. I represent a rural town, and the town where I live is only

proposition of retaining the population for the first representative at 600 as a basis, and then the increasing mean at 2,000.

Now you gentlemen from the cities say that under that system the legislature will increase pretty soon, and we shall have to have another Constitutional Convention. Gentlemen of the Committee, don't you think to-day that the growth and the rapid strides that the state of New Hampshire is making every year will make it necessary to call a Constitutional Convention in twenty-five years in any event? Certainly we shall want it then, and you will want it, and it is no argument to say that because if we retain this system we shall have to have a Constitutional Convention soon we should therefore change.

And so, gentlemen, I come here and for the country towns I ask your aid. The country towns have aided the cities.

You in the past have looked to us for our aid, and now we look to you for yours. We want to be represented in the legislature of the state of New Hampshire.

I do not believe in the district system, and I will explain that in my feeble way. In our section, senatorial district No. 8, did you ever hear that Acworth ever sent a senator from this district?

A Delegate—You have sent three or four.

Mr. Mitchell—Excuse me, perhaps we have, but we are growing so few, we are decreasing so every year and so fast, for the purposes of furnishing men to the wards in the cities of the states, that it is very unlikely that we shall ever send another, and that is why you want to give us a representative now on the basis of 600. It will not be but a little time when even on that basis we shall lose our one representative, and if we should have a Constitutional Convention again you would probably not see a delegate from Acworth at such a Convention. What we want is that you should help us and encourage us, and see if we cannot in some way increase our population in the town of Acworth.

Mr. Baker of Bow—I move that the committee do now arise, report progress, and ask leave to sit again.

Motion prevailed.

In Convention.

(The President in the chair.)

Mr. Briggs, chairman, from the Committee of the Whole, reported that the committee having had under consideration the various proposed amendments to the Constitution relating to the legislative department, had come to no conclusion thereon and asked leave to sit again.

Leave was granted.

Mr. Foster of Concord offered the following resolution:

and representatives assembled in one room.”

And insert:

The secretary of state, state treasurer, missionary-general, and railroad commissioners shall be elected by the people biennially.

Ordered printed and referred to the Committee on the Legislative Department.

Mr. Farrington of Manchester offered the following resolution:

Amend Constitution, part second, article ninety-six, which reads as follows:

“In all cases where sums of money are mentioned in this Constitution, the value thereof shall be computed in silver at six shillings and eight pence per ounce.”

Strike out "the value thereof shall be computed in silver at six shillings and eight pence per ounce," and insert, the United States gold dollar.

Ordered printed and referred to the Committee on Future Mode of Amending the Constitution and other Proposed Amendments.

Mr. Colby of Hanover offered the following resolution:

*Resolved*, That the Constitution be amended by striking out articles ninety-eight, ninety-nine, and one hundred of part second and inserting in lieu thereof the following:

Any amendment or amendments to this Constitution may be proposed in the senate or house of representatives, and if the same shall be agreed to by a majority of the members elected to each house, such proposed amendment or amendments shall then be entered on their respective journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen, and shall be duly published; and if in the legislature next afterwards to be chosen such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house and the same be recorded on their journals, and the yeas and nays taken thereon as aforesaid, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people, and if two thirds of the qualified voters of this state present and voting thereon at meetings duly called and warned for that purpose, shall approve and ratify the same, then such amendment or amendments shall become a part of the Constitution from and after the first day of January next after such approval. Provided that if more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for or against each amendment proposed to any and every provision of the Constitution separately.

At the general election to be held in the year one thousand nine hundred and twenty, and every twentieth year there-

power to appoint such officers, employees, and assistants as it may deem necessary, and fix their compensation and to provide for printing of its documents, journal, and proceedings. The Convention shall determine the rules of its own proceedings, choose its own officers, and be the judge of the election, returns, and qualifications of its members. In case of a vacancy, by death, resignation or other cause, of any delegate elected to the Convention, such vacancy shall be filled by a vote of the remaining delegates from the county in which such vacancy shall occur.

Any proposed Constitution or Constitutional amendment which shall have been adopted by such Convention, shall be submitted to the qualified voters of the state in the manner provided by such Convention, at the next general election after the adjournment of such Convention. Upon the ratification of such Constitution or Constitutional amendments

in the manner provided in the last preceding paragraph, such Constitution or Constitutional amendments shall go into effect on the first day of January next after such approval.

Any amendment proposed by a Constitutional Convention relating to the same subject as an amendment proposed by the legislature, coincidently submitted to the qualified voters for ratification, at the general election to be held in the year one thousand nine hundred and twenty, or at any subsequent election, shall, if approved, be deemed to supersede the amendment so proposed by the legislature.

Ordered printed and referred to the Committee on Future Mode of Amending the Constitution and other Proposed Amendments.

Mr. Rogers of Tilton offered the following resolution:

*Resolved*, That the Constitution be so amended that all steam railroads of the state shall be required to furnish free transportation over all their lines within the state, to the governor, councilors, justices of the supreme and superior courts, attorney-general, secretary of state, state treasurer, adjutant-general, railroad commissioners, bank commissioners, insurance commissioners, commissioners of labor and the members of the honorable senate and house of representatives during the sessions of the general court; also delegates to all Constitutional Conventions.

On motion of the same gentleman, the resolution was ordered printed and referred to Committee of the Whole to be considered with other resolutions of a similar character.

Mr. Madden of Keene offered the following resolution:

*Resolved*, To amend part second of the Constitution entitled "Council," by striking out articles fifty-nine, sixty, sixty-one, sixty-two, sixty-three, and sixty-four.

Ordered printed and referred to the Committee on the Bill of Rights and Executive Department.



corresponding secretary of the New England Woman's Suffrage association, Lucy Stone Blackwell, recording secretary of the New England Woman's Suffrage association, and Carrie Chapman Catt, president of the National Woman's Suffrage association, addressed the Convention.

On motion of Mr. Thompson of Warner, the proposed amendment introduced by him, to amend article twenty-seven of the Constitution, was taken from the table and made a special order for Thursday, December 11, at 11 o'clock in the forenoon.

On motion of Mr. Baker of Bow, the Convention adjourned.

WEDNESDAY, DECEMBER 10, 1902.

The Convention met according to adjournment.

(The President in the chair.)

Prayer was offered by the chaplain.

The reading of the journal of the preceding day was begun, when on motion of Mr. Wetherell of Exeter, the further reading was dispensed with.

Mr. Walker of Concord, from the Committee on the Judicial Department, to whom was referred a resolution offered by Mr. Fuller of Exeter, relating to solicitors, asked leave to report the same in a new draft as follows, and to recommend its adoption:

*Resolved*, That article seventy of part second of the Constitution be amended by striking out the word "solicitors," and that the following article be added to the Constitution:

The county solicitors shall be appointed by the superior court and commissioned by the governor and shall hold office for a term of five years. They shall be subject to removal at any time by the superior court on the ground of physical or mental disability, or for cause shown, after due notice and hearing. Vacancies occurring by reason of the removal, death, resignation, or expiration of the term of office of any solicitor shall be filled in like manner, the persons so appointed and commissioned to hold office for a term of five years from the date of their appointment. The first appointments under this article shall be made to take effect on the first day of April, 1905.

The report was accepted and the question being stated: Shall the resolution as reported by the committee in a new draft be adopted, on motion of Mr. Baker of Bow, the same was referred for consideration to Committee of the Whole.

appeared in an edition of the *Manchester Union* of November 19, and it was precisely the same plan as the proposition introduced by the gentleman from Peterborough, Mr. Scott. After giving the question more thought, and after having consulted several good, conservative men in regard to the matter, I was made to believe that there was more equity on the basis of legal voters than upon the basis of population, and I am of that opinion now. I believe that upon that basis the representation in the house could be kept nearer a stated number than on the basis of population.

I did not make any provision in my resolution as to how the number of legal voters should be determined. I thought if this proposition was worthy of consideration on the part of this honorable body, of course it would be open to amendment and improvement. Two plans have presented themselves to me which would seem feasible: First, base the number of legal voters upon the vote cast for governor at the

last election preceding the election of the representatives to the legislature. Second, to empower towns to provide a commission representing equally the two largest parties in the state, to take a census of the legal voters and return the same to the secretary of state prior to the convening of the legislature, and upon the return that the secretary of state sends to the legislature the legislature would then be enabled to regulate its membership according to the resolution which I have introduced. The legislature succeeding the presidential election would no doubt be numerically larger than those that came in an off year, but in my opinion, based upon the probable increase of legal voters, the number would not exceed 300 within the next thirty years.

Now, Mr. Chairman and Gentlemen of the Committee, it is not my purpose to very strenuously urge the adoption of the resolution I presented to you. My constituents and myself believe it to be a step in maintaining and strengthening this time-honored Constitution and system of town representation. But any system which the Convention may work out that will stand loyal and firm and recognizes the individual towns of the old Granite state will receive my hearty coöperation.

My second choice, and which I am now in favor of, if the resolution that I presented cannot be passed, is the plan introduced by the gentleman from Newport, Mr. Barton, or by the gentleman from Peterborough, Mr. Scott. I think that on the basis of those propositions there can be a foundation laid upon which the Convention can get together and present a referendum to the people which they will ratify. I am somewhat of the opinion that those two propositions should be made to meet. That is, they should meet half way between 2,000 and 3,000 for the increasing mean. One provides for 3,000 for an increasing mean, and the other provides for 2,000 increasing mean. Each plan has been figured out by those gentlemen, and I have figured somewhat upon the propositions myself, and the basis presented by the gentleman from Newport, Mr. Barton, makes the

number in the house of representatives 317, while the proposition of the gentleman from Peterborough, Mr. Scott, makes the number 289. I think by having the increasing mean somewhere between the 3,000 and the 2,000 we could get a house of just about 300 members, and which will continue to be that number, or about that number, for some time—until the next census at any rate. I should consider it better to diminish the house to 300 than to begin with a larger number. It is an undisputed fact that what this Convention is here for is to reduce the size of our legislature. I think you will all agree with me that the size of our legislature, as well as the size of this Convention, is too large for convenience and comfort, and that the seats are too closely placed together. Men cannot come here to this legislature and attend to the business of legislation with ease, and for this reason if for no other, the legislature should be cut down in number.

I am unalterably opposed to the district system for two reasons. One reason is that the large towns and the city wards do not need it in order to retain their representation, and the second reason is because the smaller towns of the state do not want it. Now if the wards of the cities and the larger towns do not need it, and the small towns of the state do not want it, what excuse have we to ask the people to ratify an amendment that they do not need and do not want? If the small towns of the state should vote on this district system to-morrow, how many of them do you suppose would vote to adopt it? Do you think that a majority of the small towns of the state would vote to adopt the district system to-morrow, next week, or at any time? Do you think there are ten towns that would vote to adopt that system in the state? No, gentlemen, there is not one of the small towns of the state, if they understand the question properly, that would vote to adopt the district system.

Friends of the proposed district system are telling us about Massachusetts, Connecticut, and Vermont. They have said nothing in favor of Connecticut or Vermont. One gentleman

said upon this floor that the state of Connecticut has been striving for years to get rid of this town system. Now it seems to me if there was a very strong sentiment in the state of Connecticut to get rid of the town system they would have done it before this time. It seems to me that the people of the state of Connecticut know what they want, and if they want a change they can make it.

But I am not discussing what the state of Massachusetts, or the state of Connecticut, or the state of Vermont want. I am discussing what I believe the people of the state of New Hampshire want. I believe in the efficacy of a large house, and I think it should consist of at least 300 members. I do not think that that is any too large, but think that it is large enough. A house of representatives of that size keeps the legislative branch of our government close to the heart of our people, and the nearer you get to the heart of the people the nearer you stand upon the democratic principles of the republic. What are the objections to a large house? Has New Hampshire done anything she is ashamed of? Has she a house journal that she wants to cover up or bury so that her sister states cannot see it? I don't think so. Is not our financial condition to be compared favorably with that of any other state in the Union? New Hampshire has proportionately the largest legislative body of law-makers in this country. Go into all of our city wards and go back among the hills, go into any small town, or any town in the state, and you will find men in all walks of life that are in close touch with the laws that govern us. Why? Because they helped to make them. They have been to the legislature, and have been schooled in legislation. Is this condition of affairs detrimental to our state? Give us a house of 300 members that come directly from the rural towns and the city wards of our state, and there will be no fear of bad legislation. Does it look as though New Hampshire was misgoverned when the per capita deposits of her people in the savings banks is \$146, and the number of savings banks' depositors in the state of New Hampshire has increased

resolution be adopted and ratified, together with the proposition to reduce the legislature to 300 members, we should then have 350 in both the house of representatives and the senate, and we should have fifty senatorial districts in the state. In that way we would get a representation under the district system, and still be able to maintain the town system. Those who want representation under the district plan can have it in that way, and those who want to maintain the town system can do that. That is what would seem to be a fair proposition. It seems to me that if the people of New Hampshire believe in having a large house, as I think they do, they should have a senate in proportion, and therefore I believe in the proposition introduced by the gentleman from Bow.

I am speaking here in behalf of the rural towns of the state, and I believe them to have much at stake in this Con-

vention. They have many rights which we are in duty bound to respect. Whole neighborhoods have been deserted in our rural towns, farm homes have fallen in ruins, churches that once summoned the people to worship have been left to decay, school districts that furnished the primary education for some of the brightest business men of our cities are to-day as silent as the grave. In my opinion a new light is breaking on the horizon. The grand old hills of New Hampshire are fast becoming popular. Our cities are growing in wealth and in population. Our rural towns are fast becoming summer resorts, and our hills and valleys, our lakes and mountains are coming to be summer sanatoriums for the city guests.

Gentlemen, in our cities, in Concord, in Manchester, in Nashua, in Portsmouth, are those sons of the rural towns. Many of them are here to-day upon the floor of this Convention, ready to champion any cause that will encourage and develop the small country towns, which in many cases hold the dust of their ancestors. It is very gratifying to us delegates from the rural towns when we are able to hear such able remarks as were made by the gentlemen from Nashua, and the gentleman from Somersworth, and the other gentlemen from our city wards that have come here in this Convention and spoke for us. They are friends of the hill towns in the state, that gave many of them birth and they are worthy of our most distinguished consideration and appreciation.

I am very sorry, Gentlemen of the Committee, that anything has been said upon this floor that would insinuate in toward any one who lives in our cities. We are proud of any way that the rural delegates have any animosity whatever the cities of New Hampshire, and I maintain that the cities of New Hampshire are proud of the rural towns. No doubt we have members in this Convention that were not born in this state, or in this country, but in the eyes of the law they have been made American citizens, and they are American citizens with us. They own property with us, they pay taxes



consider which will suffer the most, the cities and large towns with a smaller number of representatives, or the small towns without any representation. That is the question for us all to consider fairly and candidly. I believe we should recognize the individual independence of the rural towns of the state. Let them stand upon their merits. Let them be recognized as independent townships, and if in the future our people see fit and require a radical change in the Constitution, a revolution of the representative system of the state of New Hampshire, let them come here in Convention and deliberate upon this matter, and if they want the district system, let them have it; but I maintain now that the time is not ripe when we should depart from this time-honored system and go into the district system which so many of the small towns of the state do not want.

Mr. Harmon of Effingham—Mr. Chairman and Gentlemen

of the Committee: I come from one of the rural towns that has all to lose and nothing to gain by the district system. I have heard much of what we owe to the little republics throughout this state. I represent one of those little republics, and it is needless for me to say that no man on this floor can have a greater feeling of pride and interest in my little town than I do. Away back in the sixties I learned a lesson that has never forsaken me,—that my first duty belongs to a great republic, and my first duty after that belongs to the lesser republic of my state. I am aware that I rise here to advocate a measure that is unpopular with my dearest friends and those of the rural towns, but I do not share their prejudices against the district system, perhaps on account of having the privilege of residing on the borders of Maine and being familiar with their system, and having attended their caucuses, where I must say, gentlemen, that there is quite as much harmony and quite as much wisdom shown in the choice of their delegates as is shown in the choice of our own.

A few days before I started on my journey to this city, a gentleman of the opposite political party from my own, who had been triumphant in his town in the recent election, advocated that we should very materially decrease the house of representatives, his own opinion being that we should start on a basis of 1,200, although his own town had only 500 population. And why did he take that position? In order that they might avoid the dissensions in the towns that are so demoralizing in their effects.

Now, gentlemen, I am in favor of the district system, because I believe it is honest and fair. I believe it is equitable, and I believe in placing it upon the basis of the voters, for one reason because it was one of the provisions that was recorded by our forefathers. It was their purpose, as has already been stated here, to place the government in the hands of the legal voters, and I believe a representative government should rest upon that as its foundation story.

Now perhaps there is no man here who is more bound by the traditions of his fathers or has a higher veneration for

the country towns.

The gentleman last upon the floor has asked, What is the meaning of reducing the house of representatives, and yet he says that that is what we are met here for, or that that is the principal reason. There is, gentlemen, a general clamoring all over this state for the reduction of the house of representatives, in the cause of economy if for nothing else. There has been a boast that we have never carried as large an amount of deposits in the savings banks of the state as we do to-day, and as the sayings of an Irishman have been quoted, I think I may be pardoned if I also quote from an Irishman. An Irishman came from the old country to this, and he prospered well. One of his friends came to visit him, and the Irishman pulled out from his pocket a showy watch and complacently looked at it to tell the time. His visitor said, "Well, Pat, that is a very fine watch you have. How

did you procure it in this short time?" And Pat said, "Oh! that is easy. Had I been as saving as I could, I might have had a town clock in my pocket." Had we practised the strictest economy concerning the affairs of the state of New Hampshire, we would undoubtedly have been more prosperous than we are to-day.

A gentleman has spoken of the diminution in the population of our towns. Has that been the result of legislation, or can it be remedied by legislation? If we have decreased in population, we should endeavor to economize and to send the very best men we have here to legislate for us and not go upon the principle of taking turns in coming to the legislature.

And, gentlemen, there is one thing that remains for us to do, and that is to fight zealously for what we believe to be right. I have known in my day many a preacher and a teacher who feared to be radical for fear his congregation or his followers might not accept his advanced teachings; but I have always noticed that some fine day that fellow awoke to the fact that his congregation or his followers had gone beyond him, and they always went so far that he could never overtake them.

Gentlemen, if we adopt a measure just and equitable, such as I believe this district system to be, I think the people of New Hampshire will approve of it and will approve of us. It is said it will be difficult under this system to provide an honest and fair enumeration for the purpose of a division into districts. If all this great educational system of the legislature of New Hampshire, which has been so much talked about, has been as effective as it is claimed, how will it be impossible or difficult for us to divide the state into districts which will be fair and just to all concerned? If we are not able to do that after our legislative experience in these large legislative schools, I think we better do away with them as schools for all time and enlarge our town libraries with the surplus money that we would save. But I think, gentlemen, that we can find men who will be learned enough and fair enough to give us an honest and square enumeration.

is to be without one part of the time.

There is one plan that I have thought of,—I do not know whether it is practical or feasible, but I am going to suggest it, and that is this,—

Why not give to every town a representative and only one, up to 2,000 inhabitants, and then an increase of one for every 2,000 inhabitants in the town or ward.

I do not know what number of representatives this will give us and I only make it as a suggestion.

I think that the voters of Haverhill will be satisfied with a town system, on the basis of 600 for the first representative, and 2,000 more for the second, and so on. This would cut down our representation one third, and while I have not figured it out, it seems to me that this reduction in our representation from Grafton county would be larger in proportion to its population than it will be from the larger cities. I do not know that I am right about this.

The town of Haverhill would be just as well off if the basis of representation would be made 1,000 or even 1,200, and the increase for another representative 2,000, because we have, I believe, over 3,500 population, but I do not think it would be fair to the smaller towns. The larger towns have more of a floating population than the smaller ones. The smaller towns are made up of men who own property,—farmers, who own their own houses and farms and cattle, and who pay taxes,—and then there are lawyers and doctors and school teachers. Their children are natives of New Hampshire, and I believe that they are entitled to it, and that they are capable of intelligently making the laws of the state.

The gentleman from Concord, Mr. Lyford, has told a story here that has made quite an impression upon me, and I cannot help thinking about it. I have not made any inquiry of the gentleman about the facts, but it seems to me that the only way he could know so thoroughly about that suit of clothes that fitted one man so well, and wore for twenty years, must be because he was the man, and in that way he gained his knowledge that has made him such a great power in the politics of the state.

Mr. Leach of Franklin—I rise but a few moments to correct what seems to be a misapprehension among a good many of the members of this Convention. That is, that we cannot fix an absolute number for the house of representatives and still preserve the town system. Now it seems to me pretty clear that if an arbitrary number should be fixed for the house of representatives it would be in the vicinity of 300 members, and it is perfectly practical to frame a bill that will fix the house at that number and yet retain the town system. The secret of it is by applying the surplus population for the benefit of the small towns and at the same time give the larger towns that have an excess the privilege, if they choose, of uniting together and getting more representation than they would be entitled to simply under the ratio which may be fixed if they stood alone. If we can fix the size of the house at 300 members as an arbitrary number,

representatives to be distributed among the other towns, but every town of 600 population would have representation according to its size. What is there about that that is unfair? Even if that be so—let the worst happen that could happen—that all this excess was taken up, then how are your small towns provided for? Simply they have a representation in proportion to the population that they have—the proportion of the time that their population bears to 1,370, which would give a town of 600 a representative at every other session practically. Is there anything unfair or unjust about that?

There is another thing which has not been mentioned, and that is, that when under the bill framed by the gentleman from Newport, Mr. Barton, you take the reduction from the large wards and towns of this state you give them nothing in return; but when you take a town of 600 population and deny it representation a part of the time only, you still give

it all the representation that it is fairly entitled to, practically half of the time in any event, and still have your proportion as it is.

So my point is, that I hope no member of this Convention will be against fixing an arbitrary number to the house of representatives because they think if they do so there must be the district system. It is not at all necessary. All you have to do is to allow the small towns to elect and send a representative the proportionate part of the time they are entitled to upon the basis of their population.

Another method could be adopted. If it is thought best to have a larger number for the second representative than for the first in proportion, you can make a provision that when, under the basis of representation as it now exists, the house would exceed 300 in size, the representation should be raised so as to take it equally from the small and the large towns and cities.

Now, gentlemen, to my mind, if you are going to do anything in the line of fixing an arbitrary number for the first and second representatives, it should be simply by an amendment which would provide that the legislature at the next session should raise the present ratio of representation of the first and succeeding representatives to such a number as shall throw the loss equally between the small and the large towns and the cities. That is fair, and if we are to do anything here that the people will approve we must do something that is fair and just.

The main objection which is urged to the bill offered by the gentleman from Newport, Mr. Barton, is that it is unjust and unequal, and you will notice that it is. It is a matter of considerable moment, and will be in the next ten years a matter of considerable moment. I know that one question, the matter of intoxicating liquor, is to come before the people, and it is likely to remain there for a long time before it is finally settled. Even if local option is granted that will not finally dispose of the question, but another question will be before the people which will be one between the large



terests from the neighboring towns, but there were many laws enacted in which all the large towns and the cities were very decidedly interested while the small towns were not.

I say, gentlemen, that we can preserve the town system perfectly and at the same time fix an arbitrary number for the house of representatives. If you fix an arbitrary number for the size of the house you have it fixed for all time. I think we make a mistake and do injustice to ourselves if we leave this matter in a way that shall not fix it for all time. If you decide upon an arbitrary number that the house shall consist of, we can preserve your town system as well as the district system, and have a representation that will be perfectly fair.

Mr. Jones of Manchester—Gentlemen of the Committee: When I came to this Convention I came with notions which

were hard to change. I have been somewhat of a student of history and of politics, and especially of American history and politics, and I have an admiration equal to that of any member on this floor for the little republics, which, as de Tocqueville says, were the germ of the greater federal republic. All my studies had led me to the belief that the other states of this Union which had abandoned the town meeting system of New England had made mistakes. Believing that, I came here with the idea that if possible the town system should be preserved for the purpose of electing representatives, in any adjustment which might be made. But I have listened to the arguments which have been given here; I have considered the matter very carefully myself; I have read a great many times article nine of part two of this Constitution, which says that all representation shall be founded on principles of equality. I find that in the very Constitution, and in the very article you are considering, is stated the basis—that it shall be equality—and I must confess that I have not heard from the lips of any gentleman in favor of the town system any argument which satisfies me that it is possible to preserve the principle of equality by a preservation of the town system. At the beginning of the state of New Hampshire, in the first tentative Constitution which our people adopted after they had thrown off their allegiance to the British crown, 150 voters were made the basis for the first representative and 150 voters were the basis for the second representative, and so on; and it was not until 1783 that the provision was put into the Constitution which gave one first representative for 150 ratable polls, and then required 300 ratable polls for the second representative. That was done, although the language of article nine was kept there—the statement which said that representation should be founded on principles of equality. Then and there our fathers parted from the principles of equality when they said the second representative should have a constituency twice as large as the first representative. That was continued down to 1876, and then by changing from ratable polls to population as a basis, a

proposition—to give to the people the opportunity to decide whether they will have a district system or keep the town system. There is no difficulty in submitting the two propositions to the people. We could fix a certain number of representatives to constitute the house, and then design a proper district system and ask the people if they are in favor of that, and at the same time have another proposition reducing the house to the proper basis upon the town system, and ask the people if they desire to have that system instead of the district system. Is not that a fair and the proper thing for us to do—to submit to the voters of the state of New Hampshire whether they want the district system or the town system, and leave it to them to make their choice? If we do that, the choice will be made advisedly, and all will have to be satisfied with the decision thus made.

But if the sense of the Convention is such that no chance is to be given to the people to vote whether they want the district system or not, then we come to the other propositions.

Something has been said here about compromise. Something has been suggested that we must all yield a little something, and then get together upon a basis which seems fair. But what proposition is there, Mr. Chairman, now before this committee, offered by any member who desires to preserve the town system, that really compromises on their part? Is not their one attempt—is not their one idea to leave the small towns as they are, and to make this reduction from the large towns and the cities? Why, gentlemen, if I had been engaged in a fight with my friend from Lancaster, and he had me down and was holding me by the throat and punching me once in a while in my face, and saying to me, "Mr. Jones, I would like to compromise with you," do you think it would be much of a compromise if he made the basis of the compromise that he would punch me twice as much and twice as hard as he was doing then? I think the people of the large towns and the cities are being punched a third more than they ought to be to-day, because under the basis now existing it takes 600 population for the first representative and 1,200 more for the second representative, and the ratio is against us all the time. Now, these gentlemen come here and ask us to compromise with them by adopting a measure which will preserve 600 as the basis for the first representative, and make it 2,000 or 3,000 for the second. It seems to me that is punching harder than you have done before and is not much of a compromise after all.

I am one of those who believe that this Convention should act according to its own wisdom and judgment, and that we should satisfy our own wishes and intelligence, and should insist upon such satisfaction with anything we submit to the people. We should not have continually held up to us threats or fears that what we may do here will not receive the ratification of the people. One thing is certain, if we do not satisfy ourselves, if we do something here with which we are not ourselves satisfied, the people will not ratify it, because there will be nobody to go from here before the people and ask ratification.

a little more just to the cities would fail.

As I have mentioned before, there is no compromise and can be none on the basis of 600 and 2,000. It would not be a compromise, but it would be punching us harder. I think that the cities and larger towns have got used to the 600 and 1,200, and if the Convention sees fit to deny the people a chance to vote upon the district system, then I would suggest this—any basis that will reduce the house of representatives and will keep the existing inequality, without increasing it. I care not whether you make it 700 and 1,400, 800 and 1,600, 900 and 1,800, or 1,000 and 2,000, but keep the existing inequality and the people of the larger towns and of the cities will probably ratify it. But when you come and ask us to compromise by making it 600 for the first representative and 2,000 for the second, thus increasing the inequality

that already exists, I ask where is, and where can there be, the compromise on that basis.

I believe if we are to cling to the town system, then any basis that will reduce the house of representatives will very likely increase the number of pro-rated towns. But they tell us from the country towns that they prefer to be represented a part of the time rather than to go into a district where they would have equal representation all the time. If they see fit to take that stand they are the ones to be affected by it, and I cannot see how the representatives of the larger towns and the cities can find any fault with them. So, then, if it is desirable to reduce the house,—and everybody thinks it is desirable to reduce the house to some extent,—let us reduce it upon some basis which will not be more unfair than the present system.

On the basis of 800 and 1,600 we will have a house of about 320, which is some eighty smaller than the present house of representatives, or than it will be under the next census. But that is not very much of a reduction, and the object of this Convention, as I understand, is, or should be, to reduce the house so as to make it a more easily working body than the present house. Unless you bring it down 100 or 150, so it would be a compact body, fitted to do business more easily than a larger house; unless you make a radical reduction, what is the use of making any great talk of a change or of any reduction? I will say that I believe the inhabitants of the large towns and of the cities of this state would much prefer to see the present condition of things exist than to see an amendment adopted which would preserve 600 for the first representative and make 2,000 additional necessary for the second. We feel the same about that as some of the delegates from the smaller towns say they feel about the district system. We want it as fair as possible. And why is it not honest and just to every small town, if we are going to reduce the house no more than to about 300, to adopt a basis which would give us in the cities and the larger towns the same proportion of representation which we now have and which

o'clock to-day who cannot be here at 4 or 5 or 6 this afternoon. Whether or not they ought to be compelled, and the Convention ought to be compelled, to lose their votes, is a matter about which I have some doubt. As far as I am concerned, I have no feeling on the subject.

Mr. Fuller of Exeter—It seems to me in view of what the gentleman from Concord has said, it is extremely possible that all those who are proposing to vote on this question will be here to-day, and probably will be here whenever a vote is taken, and the only injustice that is done to such members of the Convention is in making them come a second time.

Mr. Lamprey of Concord—I wish merely to make the suggestion that the object of Mr. Lyford might perhaps be accomplished by limiting the time of the speakers instead of extending the time for taking the vote.

Mr. Lyford of Concord—Is there any objection that the time of taking this vote be set for to-morrow, which is Thursday, at 12 o'clock? We need not occupy all the time in speaking, as, after the arguments and remarks have been closed, we can go on with other business.

Mr. Pillsbury of Londonderry—I am one of the unfortunates that Senator Chandler has spoken about. I went home from this Convention last week, understanding we would vote to-day, and I made all my arrangements and cancelled my business engagements to be here to-day. I came to this Convention to vote upon this one question, and I would be sorry to lose the opportunity of voting upon it.

Mr. Lyford of Concord—Let me explain to the gentleman that the vote in this committee settles nothing, that the final vote must be taken in Convention, and therefore the gentleman is not deprived of any privilege by our extending this time.

Mr. Pillsbury of Londonderry—We came here, it seems to me, to do business for the state of New Hampshire. We have been here on one question for two weeks. Every other Convention has settled questions as momentous as this in two weeks' time, and it seems to me, after talking two weeks we ought to be ready to vote. I do not believe that it will make a change of one vote to have any further talk in regard to this matter. I do object to extending the time for taking the vote later than 12 or 1 o'clock.

Mr. Chamberlain of New Durham—I agree with the gentleman from Londonderry. We are here to serve the state of New Hampshire, and we ought to cancel all of our engagements outside of our official duties and attend to the duties of this Convention, no matter if we have talked two weeks. I am getting a lot of information here, and I think there is a chance to learn a little more before this debate closes. We may all want a chance to say something and want to hear



gentleman from Concord, Mr. Lyford, that the committee do now arise and ask to have the time extended on which to vote upon the order presented by the gentleman from Concord, Mr. Chandler.

Motion prevails.

In Convention.

(The President in the chair.)

Mr. Little of Manchester—Mr. President, the Committee of the Whole has been in session and has had under consideration the various proposed amendments referring to the reduction of our representation in the house of representatives, and has voted to rise and ask the Convention to extend the time for voting upon the resolution offered by the gen-

tleman from Concord, Mr. Chandler, in regard to the different systems of representation, etc.

Mr. Lyford of Concord—I move you, sir, that the time for taking the vote in committee on the order submitted by the gentleman from Concord, Mr. Chandler, be fixed at 12 o'clock to-morrow. If the Convention desires, I will add to that that debate close at 3 o'clock to-day.

The President—The gentleman from Concord, Mr. Lyford, moves that the time for taking the vote upon the order offered by the gentleman from Concord, Mr. Chandler, which was adopted, be extended from 12 o'clock to-day until 12 o'clock to-morrow. Is the Convention ready for the question?

Mr. Shute of Wentworth—It is clearly evident that the time will be fully occupied by speakers until the hour mentioned, and if it should not be so, and there might be a space of time not taken up by this discussion, we can go on some other matter which is before the Convention.

Mr. Baker of Bow—I would like to ask the gentleman from Concord to accept an amendment which I propose to offer, namely, that on the morrow the speeches upon this subject be limited to five minutes.

Mr. Briggs of Manchester—Mr. President, I do not believe in cutting anybody off in this matter. The members of this Convention have the right to talk upon this question to their hearts' content.

Mr. Lyford's motion was stated by the President and prevailed.

On motion of Mr. Lyford of Concord, the Convention resolved itself into Committee of the Whole to consider all of the pending resolutions upon the question of representation.

In Committee of the Whole.

(Mr. Little of Manchester in the chair.)

The Chairman—Gentlemen, we are again in session as a Committee of the Whole, for the consideration of the questions relating to representation in the house of representatives. The chair will recognize the gentleman from Lancaster, Mr. Drew.

Mr. Drew of Lancaster—Mr. Chairman and Gentlemen of the Committee: Unfortunately for me I was not able to be here last week and so I have lost the benefit of a large part of the discussion upon this very important question. I had supposed, until I came here yesterday morning and heard some of the discussion that has occurred since, that there was in New Hampshire a strong demand on the part of the people that the representation in the house of representatives should be reduced. I must say that I was very much surprised when I heard gentlemen whom I believe to be better informed than I am, say that they were not aware that there was an urgent demand in the state for a reduction in the number of representatives in the lower house of the legislature. I understand, and have understood for several years, that the people of the state recognize the fact that our representation in the house is too large, and that some means should be devised, if possible, whereby it may be reduced and thus made less unwieldy, and at the same time save to the state a very large expense. I think I have heard it suggested by many of the citizens of New Hampshire that unless the house of representatives shall be considerably reduced in number, the proposition immediately before us will be to raise sufficient money,—a million dollars or more,—to build a new capitol building. The question of enlarging this state house has been considered by several legislatures and it has always been decided, as I understand it, that it would not be feasible to enlarge this house, and that if we were compelled to have more room we should be obliged to build a new state house.

I have also understood that the matter of expense was a serious question in the minds of the people, not of the cities alone, but in the minds of the people of the country where I come from. If that is not true, then I have entirely misunderstood the attitude of the people of the state upon this question. I suppose we were selected to come here because the people in our towns and wards believed that we would, after due deliberation, report to them for their action such things as we believe to be conducive to the general public good. I suppose this to be the fundamental consideration which should control us in our conduct here. I apprehend that every consideration of personal interest should be eliminated from our deliberations. I understand, even, that we should not allow what we regard as a local interest to control or qualify our actions as against the public good. This is the fundamental principle upon which free government is established. Men cannot associate themselves together in governmental form and preserve and maintain a practical government by making the general policy subservient to individual or local preferences. The very idea of self-government is, that there shall be a yielding of individual and local interests to the great commanding interests of the public.

Mr. Chairman and Gentlemen, I believe that is what we are here for, and I believe as firmly that there is no member of this committee who does not propose to do that thing which he believes is for the general public good. What, then, must we do? We must lift ourselves into the atmosphere of personal self-sacrifice. We must lift ourselves into the atmosphere of local self-sacrifice, and we must consider, and consider alone, those things which we believe will contribute most to the general public welfare.

I was born and reared in a country town, and have lived in a country town all my life. I know, or at least I think I know, something of the estimate in which the people hold their rights,—how tenaciously they cling to and how reluctantly they surrender them. I admire that spirit, and I hope I have something of it myself, and I do believe if there is any

most to the general good.

I assume, for the purpose of this discussion, that there is a necessity for the reduction of membership of our house of representatives. Now the practical question is, How shall the reduction be secured? Naturally the first question is, Where shall the number be fixed? Is 300 the right number? If not, is 290, 250, or 200 the right number? When the number is determined all that remains is purely a matter of detail, and in my judgment, that matter of detail should be worked out on one principle, and one principle alone.

That principle, gentlemen, is the principle that underlies all democratic republican government. That is, full and continuous representation of everybody within the jurisdiction of the state. A democratic republican government does not rest upon the idea of partial representation; it rests upon the idea and principle of universal representation, the full representation of every individual and personal interest in the

commonwealth. It always has rested, and always will, and always must rest upon that, because when we begin to depart from that idea we begin to disregard the natural rights which our Bill of Rights declares to inhere in every individual. Now, then, the system which will give representation to every interest in New Hampshire and every individual in New Hampshire, is the system which stands upon a principle which cannot be gainsaid.

First, fix the number of representatives that will be satisfactory, and then devise a method by which we can elect that number of representatives and have every individual in New Hampshire and every property interest in New Hampshire represented all the time. This is the ideal, and it is the only true basis of representation. We have not had it for many years. We have drifted away from it. The basis upon which our representation was first established was a classification of small towns. This classification became unfitted for the conditions which arose, and hence it was changed, and finally classification of small towns was abandoned and pro-rata representation was adopted. Under our present constitution we have sixty-eight towns which do not elect representatives to every legislature. Under this system the people residing in these towns are entirely unrepresented and have no voice in the legislation enacted by the legislatures in which they have no representatives. This is a rank violation of the essential underlying principle of free government,—government by the people. I do not believe in this method. I believe, as I have stated, in a method that gives full representation all the time, but I recognize the fact that we cannot always have the ideal, but if we are obliged to depart from the ideal, we should depart from it as little as possible. We should keep as closely to it as environment and existing conditions will allow.

In my judgment, there are two ways, and two ways only, in which we can have representation which will exemplify fully the true underlying principle of free government. First, the town system under which would be given to every town, however small, one representative, and to every ward in every city

two plans before the committee for the district system. One, introduced by Mr. Lyford of Concord, fixes the number of members of the house at 300 and apportions that number to the different counties, and the several counties, by a commission to be appointed by some authority, are to fix the lines of the districts from which the representatives are to be elected. Mr. Lyford's plan, as I understand it, and if I am not correct I would like to be corrected, makes the number of population required to elect each representative, if the house is fixed at 300, about 1,370.

The other system is that proposed by the gentleman from Concord, Mr. Mitchell. His plan, as I understand it, is this: It fixes the number of representatives at 301, but that number could be changed to 300, or to 295, or to any number that the Convention sees fit to adopt. This bill also provides that there shall be a ratio of one to two in the population required

for first and second representatives. In other words, it requires twice as many additional population to elect the second representative as it requires to elect the first. If the unit of population for the first representative is fixed at 600 it will require 1,200 additional population to elect a second representative,—or 1,800 to elect two representatives. This plan will give more small towns continuous representation than the plan that requires 1,370 population to elect each representative, as Mr. Lyford's bill provides, and the country towns would get a larger proportion of the representation under the Mitchell bill than under the Lyford bill. To adjust this system for practical working, the number of representatives being fixed and unchangeable, the unit of population required to elect the first representative would need to be adjusted upon a sliding scale, because population will increase in some localities and decrease in others. To meet this condition, the Mitchell bill provides that after each national census there shall be a new apportionment of representatives to the several counties, in case the population has so changed that it would be unjust to allow the old apportionment to stand. The new apportionment would be made by the legislature, still maintaining a population ratio of one to two for first and second representatives.

There is another feature in the Mitchell bill from which you will see that it stands upon the broad ground of full and continuous representation. It really is the town and district systems combined. It provides that towns which have less than 400 inhabitants may unite for the purpose of electing a representative, thereby securing full and continuous representation. The bill also provides that towns whose population is between 400 and the necessary number—whatever number may be fixed for one representative—may only send a representative to the legislature a pro-rata part of the time.

I would suggest, in order to have the bill come entirely within the rules of just and equal representation, that it be amended so that the same rule would apply to all the towns which have not a sufficient number of inhabitants to send a



represented all the time, no principle would be violated. Each town would have the right of election. If a town elected to take partial representation when it could have full representation, partial representation in that instance works no wrong. That condition of things is just and is a condition which in practical life we cannot avoid. Under our present system of representation the small towns having less than 600 population cannot be represented all the time. They are obliged to submit to partial representation because there is no provision under which two or more can unite and elect a representative. Under the Mitchell bill, thus amended, we would have a system under which every man and every interest in the state could be represented, if they desired to be, all the time, and I am convinced, after examining all the bills as fully and carefully as I have been able to do, that the Mitchell bill comes nearer embodying the true idea of repre-

sentation, under our system of government, than any other proposed, and I hope the committee will recommend this bill with the amendment which I have suggested.

I hope the action of the Convention will be favorable to it, and I believe that if we, who have been sent here to consider this matter, go back to our constituents and explain the merits of this measure, explain the necessity of having a change, it will be ratified by the people when submitted to them. I have no doubt that the people of New Hampshire will feel very much disappointed if this Convention adjourns without having done anything to reduce the membership of the house of representatives.

If this cannot be brought about by adopting a system which recognizes and embodies the principle of full representation all the time, if the people want it, then I believe we should stand as close to it as possible, and I do not believe it would be safe to raise the 600 population now required to send one representative to 800. This is my deliberate conviction.

If we cannot have the district system, I cannot see any valid objection to the proposition to leave the unit of population required for the first representative at 600 where it now is, and making 2,000 additional population the unit for each additional representative.

Very likely I am unable to look at this matter from the standpoint of my friends who live in the cities, but really I cannot see why they should feel any serious anxiety over the proposition to leave the basis for the first representative at 600 population, and making the basis for the second 2,000, although there may be conditions which do not occur to me.

If the basis of 600 for the first and 2,000 for the second representative should be adopted, we should keep just the same number of pro-rated towns as we now have. My town would lose one member, and the cities and large towns generally would have to make sacrifices. There is no question about that, but there would be this compensating consideration, the small towns are not increasing, and in years to come will not increase in population to any considerable extent.

The cities and larger towns are increasing in population and therefore will get increased representation. Nearly all the increase in representation would be in the large towns and cities.

While I do not believe it would be wise to remain on that basis, still if we cannot get a district system which embodies the principle of full representation all the time, my judgment is, that it is not wise to advance the number of population required to send one representative from 600 to 800. If it is carried to 800 we shall disfranchise for a portion of the time forty-three more towns, and instead of having sixty-eight which are disfranchised and unrepresented a portion of the time, we shall have 111 towns unrepresented a portion of the time. Suppose those towns stood somewhere between 600 and 800 in population, as they would, that system would add about 30,000 more people to the disfranchised and unrepresented class. If those towns should send representatives four sessions out of five, there would be from 5,000 to 7,000 people who would be entirely unrepresented in every legislature,—and that is not right.

It is not so much a question of how many representatives a town has as that the town be represented. One man may represent 1,000 men and protect their interests just as well as five men could do it, and the thing that I wish to provide for is, that nobody should go without representation.

The essential principle is to have every man, woman, and child in the state represented. I do not mean to be understood that I am in favor of woman's suffrage, for I believe my wife and daughter are represented when I am represented. I believe that the person who by proxy or otherwise represents me, represents my household. If I did not believe that, he would not represent me.

I firmly believe we should not depart from the principle I have suggested, and let us devise some method embodying that principle and submit it to the people for their approval, so that when we go back to them we can say that we have submitted a proposition embodying the fundamental and essen-

tial idea of free and independent government by the people,—full and continuous representation.

Mr. Dudley of Concord—I move that the committee do now arise, report progress, and ask leave to sit again.

Motion prevailed.

In Convention.

(The President in the chair.)

Mr. Little, chairman of the Committee of the Whole, reported that the committee had been in session and had voted to rise, report progress, and ask leave to sit again.

Leave was granted.

On motion of Mr. Stockwell of Claremont, the Convention adjourned.

AFTERNOON.

(The President in the chair.)

Leave was granted the Committee on Finance to hold a session at this time.


Mr. Daley of Berlin, from the committee on the judicial department, to whom was referred the resolution offered by Mr. Edgerly of Somersworth to amend article ninety-three, part second of the Constitution, relating to the incompatibility of certain offices, reported the same with the following resolution:

*Resolved*, That it is inexpedient to act upon the subject.

The report was accepted and the question being stated, Shall the resolution reported by the committee that it is inexpedient to act upon the subject, be adopted, on motion of Mr. Edgerly of Somersworth, the proposed amendment, together

will meet with the approbation of more people than any other is the proposition of the gentleman from Newport, Mr. Barton, in so far as 600 population shall elect the first representative. Those towns which do not to-day have that number seem to be well satisfied to take the pro-rata representation, and it seems eminently fair to everybody in the state that 600 population in a town or ward should elect one representative. So far they are all on an equality. As to the ratio for the next representative, I would fix it so that whatever it might be it would reduce the house of representatives to about 300.

I believe, Mr. Chairman and gentlemen, that this house could be reduced so that every member of the house could have a convenient seat. But further than that I do not believe the best interests of this state require the reduction. I do not believe that they require a reduction to any such number as 100 or 150, as has been suggested. It has been said, and well said, in this Convention, and we have heard it in



years gone by, that the legislature is a great educational institution. We are granting money year by year to old Dartmouth, to the Agricultural college, to the Normal school, to educate our boys. Is there anything wrong in once in two years appropriating a few thousand dollars to educate the people of the state?


I believe if we send back a proposition to be voted upon, what will be more liable to pass than anything else is the proposition of 600 for the first representative. What the number should be for the next representative I am not prepared to say. I believe, however, that we should keep intact our town lines. There is some sentiment about it, but there is reality about it also. I live in a town that in 1810 was the largest town in territory of any town in the whole state and was second only in population. But it has been divided and a part has gone to make Belmont and a part to make Gilford, so to-day we are left a little bit of the town of what once was almost a great republic.

My hopes and desires are to help, if we are able, those little towns maintain what representation they now have.

Mr. Hubbard of Amherst—Gentlemen of the Committee: It has been said by the gentleman from Concord, Mr. Lyford, I think, that we were sent here to do something. I do not know whether we were or not. It was also said by the gentleman from Lancaster, Mr. Drew, before dinner, that there was a great demand for the reduction of our legislature. I immediately left the hall and went down to the secretary of state's office to see whether that was true. I ascertained what a tremendous demand there was,—10,571 voted for the call of this Convention, and 3,287 voted against it. Not voting at all, 74,989. What a tremendous demand that was. And this, too, does not call for the whole registered vote, but the vote that was cast for governor. Gentlemen of the Committee, that being the condition, we are evidently ahead of our time. Public opinion is not quite ready for this, and it seems to me, whatever we do here and whatever we are likely to accomplish in this Convention, will come to nought.

tion, although of course they would have a less number of representatives than they now have. Is it equality that 111 towns should be denied representation a part of the time while the large towns and cities have it all the time?

The rural towns of New Hampshire have been the balance wheels of the state from its inception down to the present day and will continue to be so long as she has any balance wheel, and in saying that I cast no reflections upon the citizens of any city, whether native born or foreign born. That citizen who is loyal to our flag, to our Constitution, to our educational institutions—the bulwark of our liberties and the head-lights of our nation—he is a true American citizen whether he was born on the hills of America or on the sunny vales of Spain, while that citizen who holds allegiance to any foreign prince or potentate as above the president of the United States, is not a true American citizen, and if such there be I do not want to trust the reins of government in their hands.



The gentleman from Concord, Mr. Lyford, has very ably recommended to us the district system, and doubtless that system will sooner or later be adopted in its own good time. When public opinion calls for a change, the change will come, and satisfaction will finally be attained, as time and again has been proved in our country. We well know how our statesmen in our halls of congress wrangled for years, yes, for generations against slavery until finally public opinion thundered forth the decree that slavery was a blot upon our fair land and must be abolished, and from ocean to ocean those thunders rolled, and did not die away until the last clank of the slave chain was heard, and the last star of secession was obliterated. And later over Cuba's fair and bleeding form a reunited nation proclaimed that glorious union as Daniel Webster would have it, "one and inseparable."

Now, gentlemen of New Hampshire, I do not propose to take up your time. Do not be swayed by the oratorical powers of any members of this Convention unless their argument warrants it. Remember the fundamental principles which underlie our Constitution, and stand for the best interests of your state and enable our people to maintain their rights in our legislative assemblies, and rest assured that public opinion in its own good time will shape the destinies of the Constitution and of our state, and all will be well.

Mr. McAllister of Manchester—Mr. Chairman and Gentlemen of the Committee: The question now before the committee is one of vital importance to every inhabitant of the state of New Hampshire.

It is important that representation in the house shall be based upon principles of equality as set forth in the Constitution which we all honor and revere. It is important that all of the inhabitants, the high and the low, the rich and the poor, those in towns as well as those in the cities, those who work in our factories as well as those who work in our fields, shall have representation all the time in the house of representatives.



here at the demand of the people to reduce the house of representatives. If the gentlemen who claim that we must do something in order to satisfy that demand will inquire into it, they would find that we came very near not coming here at all. Three times since the Convention of 1889 this question was submitted to the people, once in 1893, when it was beaten by a decisive vote, and again in 1895, when also it was beaten by a decisive vote. There was no demand then, there was no call then for a convention coming together. A few years later this convention was called, but, as has been said, it was called by a vote of a little over 10,000. Gentlemen, that represents about one twelfth of the voters of New Hampshire. I do not mean of those who cast their ballots, but according to the tables of the gentleman from Hanover, Mr. Colby, there are some 122,000 native born and naturalized citizens in this state

of the age of twenty-one and over, and only 10,000 of those desired this Convention enough to vote for it, and one in eight of those came from the city of Concord. Concord evidently desired us to come here.

I do not think this is such an important matter as has been intimated by the speakers. Certainly we were sent here to do a certain thing, and while I think there should be some reduction I don't think the people of the state would be greatly disappointed if but little should be done at this time.

Mr. Woodbury of Bedford—It was unfortunate for us all that the gentleman from Lancaster, Mr. Drew, should not have been present during the whole of this Convention, for if he had he would have felt it unnecessary to have exhorted all his associates to arise to the highest plane of individual self-sacrifice in considering this important question. No man can listen to the debates as they have proceeded since we convened without being convinced that it has been the earnest desire and purpose of every one to find some method which would subserve just the very purpose which the gentleman from Lancaster so eloquently described to us. He tells us, and tells us truly, that what we should do is to search for equality—an ideal condition of equality. But if we are to pursue that search with perfect singleness of purpose, I think we ought to take up the amendment in favor of woman's suffrage before we go any further. If there is any inequality it begins there. Again, upon what basis of equality is the age of twenty-one fixed before a man is entitled to exercise his franchise?

Any system of representation is directly affected with features of inequality. It cannot be otherwise in human affairs.

If I understand the resolution of the gentleman from Concord, Mr. Lyford, correctly, it provides that the counties of the state shall be divided into legislative districts, and where the population of any given district reaches a certain figure one representative shall be chosen from that district. What happens (I ask for information) when the population exceeds that number?

portions of the time when the rankest inequality will prevail. I do not pretend that there is any way to avoid it, but when gentlemen rise here and declare that the district system produces perfect equality, that all the people are represented all the time, I can not feel as though that statement had as yet been substantiated.

The gentleman from Laconia, Mr. Busiel, who addressed us so ably and so eloquently yesterday, pointed out that in the Bill of Rights our fathers declared what should be the principles of equality, but he omitted to go on to the next step and point out how they proposed to give us equality. The purpose they had is our purpose now. Our purposes have not changed. The way in which they proposed to give each other equality at that time is found in the Constitution which they then framed, and under which substantially we have been living ever since. The term "equality" is not a mathematical

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term, not an arbitrary term. It is a term that necessarily varies in accordance with the conditions surrounding it. We understand by equality not the same thing as the ladies who addressed us yesterday understand by equality. Under the Constitution equality is found by fixing that proportion of the people who can send one representative and then an additional number who can send additional representatives. That is the equality that they fixed at the time they framed the Constitution, and that is the equality we now have under the present system.

It has been said that this is not equality, because a town of 600 would have one representative whereas a town of 1,000 would have only one representative, and that the representative from such a town represents 600 of the population of that town and the other 400 are unrepresented. Is not the same true under the district system, at any rate, during a portion of the time in any given decade?

We are engaged in a very grave and serious task. These are to be amendments to the Constitution. Ought we not first to inquire whether they are improvements to the Constitution? They are amendments, but are they improvements?

I came here without any previous impression. I came here, I am free to say, in the densest ignorance, and I have sat here at the feet of the speakers who have addressed us and have obtained something to take home with me; and I cannot but feel that we should approach this venerable instrument in no other way than with the greatest caution, and with a desire only to improve it in such a way that our actions will be endorsed by the people when they come to vote upon the propositions we submit.

It has been said that the house must be reduced, because the building was not large enough, or the seats were too near together, or something of that nature. Can anyone truly say that there has gone out from the people a complaint that we are not properly represented. No one has heard any such statement made by any considerable body of the people whatever.

stance, of New Hampshire, was to be classed with the Third Massachusetts district for the purpose of electing a representative to congress? We would regard it as an utter violation of the principles on which the government rests. So I say with reference to state representation we ought to be very careful before we lay violent hands upon the present town system and tear that away and throw it out of doors simply because some gentlemen come here from Massachusetts and say that we should do what has been done there with their approval.

For me, I am prepared to go home and say we have decided to do nothing. Some may say that that is an acknowledgment of our inability to solve the problem. It is admitted. But gentlemen, it may not perhaps be correct to say we have done nothing, for we have gone down to the basis on which the Constitution rests, we have examined the structure built so long ago, we have found it sound in all its essential princi-

ples, and we have determined that at the present time we can do nothing to improve it, and we have no recommendations to make in the way of changing this structure at this time. Future evils may be dealt with hereafter, but for the present we discover no evils worthy of so great sacrifice as is involved in the change of the system to-day existing for the election of representatives of the people to the popular branch of the legislature.

Mr. Fuller of Exeter—Gentlemen of the Convention: I did not come up here for the sake of making any speeches, and I had thought to maintain silence and listen to others throughout this session, but it seems to me it has become the duty of all of us who have anything to say to say it, whether we say it well or otherwise, and therefore I do not consider it presumption in me to address this body of eminent men.

The gentleman from Lancaster, Mr. Drew, this forenoon stated in the most eloquent terms that the very foundation of our whole system of government was equality, and I suppose what he meant was that one man was as good as another—at any rate in matters of government—and that every man should have just as much voice and power in acting on the various questions of government, and as much right to express his opinion as any other man. That is not the case under our present system of electing representatives, because while in deciding who shall be representative from Exeter, my vote counts just as much as that of my Brother Eastman. When the question has been decided as to who shall represent Exeter, the man or men so chosen represent nearly 5,000 inhabitants, and the representatives that we send do not in the aggregate have five times as much voice, or five times as many votes, on any particular measure proposed as the representative of a town which has 600 inhabitants. In other words, one man is as good as another and better, too, as the Irishman says, if he happens to live in a country town. That is not equality, but what of it? It does not follow from that, perhaps, that a district system where each district has just so

but a district? However, the question is not, as I said before, How should we construct our Constitution if we are making a new one, but the question is, What is the action for us to take and how shall we do it in order to reduce the house of representatives?

That there is occasion to reduce the number of the house of representatives I shall not argue for it is a settled fact known to the majority of those who took the trouble to vote upon the question this last time, and known to all who have watched legislation during the past few years as conducted in the hall where we are now, that the house should be reduced quite materially—reduced enough to make it sufficiently small so the business can be conducted with reasonable convenience to the members themselves. I take it for granted that a reduction to 300 would be sufficient, and I think everybody admits that that would be a sufficient reduction. I am, therefore, in favor of a reduction somewhere in the vicinity

of 100 so that the house will remain at about 300. I think there would be no difficulty if that were the only question before us, but when we come to the question whether we shall adopt the district system or the town system in reducing the house, we then come to a place where we have already inequality, and where, as I say, one man's vote if he lives in a small town counts for more than if he lives in a larger community. But have great evils arisen from that state of affairs? If the Constitution of New Hampshire does not produce anything but theoretical injustice, why should we seek to remove the inequality that does no harm? We can reduce the number of representatives, and leave precisely the same amount of relative inequality that now exists. What does that involve? It is only necessary to increase the number of inhabitants that would entitle the town to send one representative, and to increase the number for the second representative in proportion. For instance, if we increase the number for the first representative from 600 to 800, we would increase the number for the second representative from 1,200 to 1,600—1,600 being twice eight, as 1,200 is now twice six—and thus retain mathematically the same ratio of inequality as we now have, and which inequality has thus far proved harmless. In that way we injure no one, but do accomplish the result which we, in fact, were sent here to accomplish—the reduction of the house of representatives to a reasonable number, and we shall not have dispensed with the system of representation under which the affairs of this state are managed, and well enough managed, and under which they have been so managed during all these years. I think we might well all agree to that method. To entitle a town to one representative it would then have to have a population of 800, and for any additional representative a population of 1,600 more, and thus we should leave the same amount of inequality that now exists, and it would not increase the manifest inequality to the extent of making it dangerous. In its present extent it has not proved at all dangerous, it has wrought no evil, and therefore it will undoubtedly be safe to continue it; but let us not increase that in-



the resolution introduced by the gentleman from Newport, Mr. Barton, with a local option feature added, the other difference being that the number necessary for the first representative is increased. Under the proposed resolution or amendment offered by the gentleman from Concord, Mr. Mitchell, towns not having a sufficient population to send one representative, by their own voluntary act—not against their will—can be united into representative districts. With the exception of that local option feature and the fact that it leaves the unit of representation undetermined, to be determined by some other person or body, the state treasurer, or the secretary of state, or anyone that seems to the Convention to be proper, it is the same as the Barton amendment, and I myself trust—although I am in favor of the district system because I think it theoretically the best—that under the present conditions this inequality that now exists will not be in-

creased, but will be allowed to remain as it is by the adoption of the resolution introduced or proposed by the gentleman from Concord, Mr. Mitchell.

Mr. Evans of North Hampton—Gentlemen of the Committee: I, too, am one of those who did not intend to speak.

“There is nothing new under the sun.” We have face to face here two principles that have been in conflict since the beginning of man—the principle of conservatism and the principle of progress. These two principles collided in the French revolution and in the American revolution, and again in the Civil war, and they are in conflict to-day here in this assembly.

I stand here as a delegate from one of the smaller towns—a town of 812 population. I rejoice that I stand here for that town, not simply because it is desirous that our legislative body shall be reduced, but also because it is ready and expecting to lose its representative and to take up the best district system.

When I came to New Hampshire some five years ago I came as a student of man, in some sense, perhaps, a sociologist. The most distinctive mark of New Hampshire people that came early to my attention was that of conservatism, holding to the old, to tradition. It was a cry of ruts. “Keep us in our ruts.” In the country towns and in the country parishes through your state I found this most distinctive mark of conservatism. You and I know that conservatism is good, provided you are on the right way to Heaven, but a curse if you are going the other way.

When I was elected to come to this Convention as delegate, I took in hand this problem of the reduction of our house of representatives, and I studied it carefully. As a boy in college I had been taught in the science of government, and had learned that the ideal of representative government was that all the people should be equally represented all the time. I knew, of course, that absolute numerical equality of representation was impossible, but to uphold the principles of our

perience and study, I am not ready to say that the country towns of New Hampshire deserve this great privilege.

A few years ago your honored governor of the state wrote that you were falling back in the country towns of New Hampshire; that you were not in a rut that leads to Heaven. In so saying, he might have said the same of the country towns in all New England, for I know it is true, and I know it is true in New Hampshire. There has not been an ethical or religious congress in New England for five years in which the problem of the country town has not been paralleled with the problem of the city slum. The country towns are going back. I, too, know something of the ignorance, something of the conservatism, something of that unmoral lethargy that seems to be bred in the country people of the state, and the question now arises, Shall we return the right of privilege in representation to a country town because of its ignorance,

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because of its conservatism, because, shall I say, of its unmoral lethargy?

My friends of the country towns, some of you men as types of politicians I know. I know your character and your claims. Others of you I know as living in the face of this unfavorable condition of the small towns with regret and the deepest dissatisfaction. Is this not a time to put aside selfish political ambitions and dull our ears to the cry of the ruts, sink our old established ideas and for the good of the state yield to the demand of the fundamental principle of true government that all men should have equal representation. For this cry for privilege on the part of the small town to me seems nothing less than a crime against the most fundamental principle of representative government.

Mr. Hamblett of Nashua—Gentlemen of the Committee: To say that I am surprised at the remarks of the gentleman who has just addressed this committee is putting it exceedingly mild. I regret that he has sacrificed so much for the country towns of New Hampshire, and in spite of it all that they are still going back.

You talk about you equality of representation and about the fundamental principle of government being such equality. Why, gentlemen, let us consider the proposition of the gentleman from Lancaster, Mr. Drew, or the gentleman from Concord, Mr. Lyford, consider their remarks when they addressed this house so eloquently and appealed to us on the ground that there must be equal representation. Is not there a great injustice and a great inequality, gentlemen, in the district system.

There may be 10,000 people in one county divided up into districts, and a very large majority of the people may not be equally represented with others, in this, that they will have more men to represent them from one county than those in other counties and other representative districts. Is that equality?

The gentlemen have appealed to us on the ground of econ-

here and he appeals to us and asks us out of sympathy to allow these small country towns representation. The gentleman from North Hampton says that you have no right to come here and ask that which is right and just, and ask it on the ground of sympathy. Well, gentlemen, you will have my support, not on the ground of sympathy, but because I believe it is just and I believe it is right. I agree that no sympathy should enter into this question.

The gentleman from Franklin, Mr. Leach, says that in one ward in Franklin there are about 1,000 over the 1,370 that would be necessary to choose a representative under the district system, and suggests that that 1,000 might be attached to the town of Bow, for instance, and thus help Bow. But, gentlemen, that would not be the result. In that case the town of Bow would be helping the ward in Franklin to have two representatives. Would not that be the practical effect of such a distribution under the district system?

Now we ought to consider this matter and find out what the difficulty is. The gentleman from Lancaster, Mr. Drew, this morning advanced only one argument against the present system, that of inequality; but the proposition that he so fully described here is as unequal as the present system. Why should we depart from this system, a system which has served us so well and so long?

I remember a few years ago when I was an officer here in the legislature, there was an uprising of the people in the state against the so-called assessment orders, and the gentlemen of this great legislative body took the matter in hand, and in a strong, honest way wiped out legislation that allowed the incorporation of these orders and purged the state of those companies which had come in from New Jersey and Maine and were incorporated under the laws of those states. New Hampshire legislation, as has been repeatedly said, compares favorably with the legislation of any state in this Union.

Now why do they tell us that we should change? Why does the gentleman from North Hampton tell us we should change? He says it is conservative, that it is against progress. Gentlemen, let us be conservative so long as the course we have ever pursued has served us so well. I am willing to be called conservative if that means upholding a principle which has always given to this state high class legislation, and we should never depart from that system unless there is some reason given other than that the state house is not large enough, or that we are too conservative.

Referring to that remark of the late governor of New Hampshire,—I care not whether he be governor of this state or any other office holder, that reflection cast upon my native state I denounced then, and I denounce now, as absolutely false.

The gentleman from Lancaster, Mr. Drew, paid a glowing and splendid tribute to the honesty and the integrity of our country towns. We can trust them; we can trust the cities; we can trust the citizens of New Hampshire. We are not going back, we are not false. We are here legislating for

**Saturday. I saw the state treasurer and he gave me the following note, which is submitted to the Convention:**

CONCORD, N. H., December 10, 1902

HON. FRANK S. STREETER, President Constitutional Convention.

Dear Sir: At your request I have examined the financial records of the last two conventions (1877 and 1889) and estimated the expenses of the present Convention, and in my judgment the appropriation available for the expenses of the present Convention will be exhausted with the close of Saturday's session, 13th inst. Yours very respectfully,

SOLON A. CARTER, Treasurer

I ought, perhaps, to say in addition that the treasurer informed me that probably there would have to be some further

legislative appropriation for the expenses up to Saturday night. The Finance Committee have had a meeting, and the chairman is ready to make a brief report, and with unanimous consent of the Convention the report may now be made.

Mr. Clement of Manchester, Chairman of the Committee on Finance—I rise with reluctance to say or do anything that will stop the flow of eloquence we have listened to so long, but I have some figures here which I will read to you, giving you the totals now, and later, if you request the details, the Committee on Finance are prepared to give them.

If we should remain in session until Saturday, the estimated mileage would be \$4,900, and the salaries of the members would be \$14,700, and the other expenses pertaining to the Convention and reckoning them on the same basis as the last two conventions would be \$5,000. The three items added make \$24,600. The appropriation for this Convention was \$25,000, and so there would be left over on Saturday night \$400.

I hope we shall hear from the attorney-general as to how far we are justified in extending our sessions into another week.

Mr. Eastman of Exeter—Mr. President and Gentlemen of the Convention: We have present a large number of lawyers and gentlemen whose opinion on a question of this sort is certainly as good, if not better, than my own. Instead of giving my opinion as to whether we can legally or illegally remain here, I desire to get the sense of the Convention as to whether it would be better to close the Convention this week or to stay longer. Personally, I should be sorry to ask for an appropriation beyond what the legislature saw fit to give for the purposes of this Convention, and I hope all possible means will be resorted to in order to complete the business of the Convention this week.

In view of the situation before us, I want to suggest that we pass a vote this morning to close the debate upon the question



**reconsidered.**

I think it is important that we make progress. Not that we want to go away and neglect the business because the appropriation is exhausted, but it seems to me we have been here long enough and we ought to make progress. I therefore make this motion to take the sense of the Convention, not that I have any particular designs to carry out.

Mr. Chandler of Concord—The member of the Committee on Finance who reported the condition of the appropriation said something about checking the flow of eloquence. This morning the Convention almost unanimously, perhaps unanimously, voted to postpone the taking of the vote on the questions of apportionment from twelve o'clock to-day until twelve o'clock to-morrow. I found no fault with that, because I think this Convention came here not to earn \$3 a day, but to do the business of the state and to discuss the questions which

may be presented for consideration. I think, Mr. President and gentlemen of the committee, that we should stay here now, money or no money, until we do that business.

I think that the President of this Convention rightly and properly called the attention of the Convention to the financial situation. It was, perhaps, his duty to do so. He had no right, perhaps, to assume that we did not care so much about the \$3 a day as to come here next week and spend three or four days and finish up the work of this Convention whether we receive our money or not. But, Mr. President, if this statement and report of the committee have any significance at all, it is upon the question whether we will go away Friday or Saturday because we shall not get any more money for coming back next week, or whether we shall come back and do our work even if the \$25,000 is already in our pockets and no one can give us any more.

Undoubtedly no more money can be paid out by the state treasurer than \$25,000. The appropriation of March 22d reads as follows:

“That a sum not exceeding \$25,000, be and is hereby appropriated to pay the expenses of a Convention to revise the Constitution; and the governor is authorized to draw his warrant for so much of said sum as may be necessary for that purpose.”

It is unnecessary to repeat that no more money can be obtained at this time from the state treasurer than \$25,000, but it is also true that the law of March 21, 1901, which provided for this Convention, says that the Convention shall proceed to organize, and may establish rules of proceeding, “and, when organized, shall proceed to revise the Constitution.” It does not say proceed to revise the Constitution as long as the money lasts, but it says, “proceed to revise the Constitution.” The next section reads as follows:

“SECT. 7. If any alterations or amendments of the Constitution shall be agreed to by said Convention, they shall be so arranged and prepared that the same can be voted on by the people separately, unless the Convention shall be of the opin-

**amount of money from the appropriation for the Convention of 1876 which remained unused was \$1,701.65, and that amount had not been covered into the treasury. The Convention of 1889 had an unexpended balance of \$7,334.01. Now if that never has been covered into the treasury, as I understood the treasurer at that time that it had not been, does not that stand to the credit of this Constitutional Convention, not having been expended by the previous Convention? I would like to have the attorney-general give us his opinion with reference to the status of that unexpended appropriation.**

Mr. Eastman of Exeter—I am not prepared to answer the question until I have looked at the records and have seen what was done at that time. I should think probably that by this time the money had been covered into the treasury. We have a treasurer that looks after the finances of the state, and

I don't believe that there is that amount of money lying around which has not been covered into the general funds. Even if it is not there, I should doubt about our having the right to take it to carry on the proceedings of this Convention.

I am of the same opinion as that expressed by the distinguished gentleman from Concord, Mr. Chandler. We have important matters before us, my credit is fair at the hotel, so I think I could manage to exist through next week even if we were not paid. As I said at the outset, I do not have any designs to further in making the motion that I did, but I made it in order to get at the sense of the Convention. I didn't know but a vote taken on the questions before the Committee of the Whole this afternoon would facilitate the business a little more, and the matter could then be sent to the appropriate special committee, and we would have so much accomplished. The motion was not made for the purpose of preventing any one from remaining here next week and protracting the session of this Convention as long as it is thought necessary.

Mr. Chandler of Concord—I do not want any unfounded financial expectations to be raised by the suggestion made by the gentleman from Manchester, Mr. Gilmore, with reference to this unexpended balance of former conventions. It is entirely clear to my mind that the balance that may have been unfortunately left over by other conventions is not available here, so we shall have to trust to the state.

Mr. Smith of Hillsborough—I hope the motion of the gentleman from Exeter will prevail. We have been here a good part of the time supposed to be allotted to this Convention, and have listened to a good many speeches excellent and eloquent. We all ought to be now equipped and ready to act upon some features of this question under consideration, and ought to vote upon them to-day, it seems to me, and get through. I do not see why we should occupy any more than

us remain here and do it without pay. It will not be the first time that many of us have worked for the good of the state without pay. I believe, as we have had the honor of being elected to serve as members of this Convention, that we should remain here long enough to properly complete the business before us, and trust to the honor of the state to pay us, and if the state does not see fit to do so, we will not complain.

I think that every member who is desirous of being heard on this or any other important matter that comes before the Convention ought to have the opportunity to do so, and I hope we shall not hurry our deliberations on any question that is before us. For one, I am willing to remain here long enough to consider fairly all questions as they arise whether we get pay for our time or not, and I would like to have the sense of this body taken at this time, for the purpose of ascertaining the number of members who will leave the Convention

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unless their pay is guaranteed. I do not believe there is a member who will say that he is not willing to come back here next week and close up the business, without pay, if necessary, but, if there is such a member, I would like to have him arise at this time and so state.

Mr. Aldrich of Littleton—Mr. Chairman, we are now well on in the second week of the session and the one proposition, that as to representation, has been under discussion a large part of the time, and there are over eighty propositions pending before this Convention. I rise to ask if the gentleman from Exeter, Mr. Eastman, will not so far limit or qualify his motion as to make it apply simply to the general question whether the Convention shall adopt a district system or a town system.

The debate thus far has proceeded on general lines, part of it relating to one phase of the question and part to another. I think it ought first to be determined which plan is to be accepted, and then we can devote this evening, if necessary, and to-morrow, to the question of perfecting whichever plan is adopted. I will ask the gentleman from Exeter whether he will so far qualify his motion as to limit it as suggested.

Mr. Eastman of Exeter—I will. So far as I am concerned personally I have no objection to that amendment.

Mr. Aldrich—Is the gentleman from Concord, Mr. Lyford, content?

Mr. Lyford of Concord—I will answer the gentleman from Littleton in this way. I am perfectly willing that there should be a limit to debate at any time this afternoon or this evening, but I think in justice to the gentlemen who are absent and who expect to vote on this question at twelve o'clock to-morrow we should keep faith with those gentlemen and not vote on any of these questions in their absence. The debate can be limited at any time and yet the vote taken to-morrow at the time set.

laws, and telegraphed the department of justice at Washington, saying, "We have a prisoner five feet tall and four feet and seven inches wide. The door to the court house is only four feet wide. Shall we make the door wider, or hold court out doors?" and the answer came back, "You better hold court out doors."

Mr. Kent of Lancaster—I am as desirous as any one of expediting the business of this Convention and getting through as early as possible. If we had taken a vote at twelve o'clock this morning, as it was at first understood we should, it would have been agreeable to me; but in a formal and deliberate manner that time was postponed twenty-four hours, and members have undoubtedly gone away, expecting the vote to be taken at twelve o'clock to-morrow. Now the question whether we have a town or a district system is all there is to it. I do

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not care how long we discuss this matter, or whether debate is limited or not, but I think it would be manifest injustice—not intentional, of course—but very unjust to take a vote to-day when it is expected by many who are not here that it will be at twelve to-morrow. I do not know how many are absent, but there are many vacant seats in this house. This debate has continued all this time with the idea of giving everybody the fullest opportunity to be heard and of giving everybody an opportunity to record his vote on this vital question. I trust that a vote will not be taken upon this to-day.

Mr. Baker of Bow—The situation is evidently one which demands our attention, and it demands our action in a way which shall not disappoint our constituents, or do injustice to ourselves. We were elected to this Convention, I apprehend, for a specific purpose, and that specific purpose is the revision of the Constitution. It cannot be regarded as doing our duty if we run away and leave half of the matters brought before this Convention unattended to, whether the appropriation is absorbed or not. It seems to me to be our duty to remain here in some form or shape until we get through the business of the Convention, and for one, I will never vote to adjourn *sine die* unless some action has been taken on these various propositions, whether we get our pay or not. That is a matter which ought to be of supreme indifference to nine-tenths of us, and I presume is. I am as desirous of getting away from this Convention as any man in this body, but I am not desirous of getting away without performing the duty for which we were sent here. /

There is a suggestion I would like to make but not for any immediate action upon it. I think it is the experience of most of the members of the Convention, as matters have come up for consideration, and as the several proposed amendments have been offered, that we have found that the Constitution we all love is one of considerable age, and that there are quite a number of its sections not absolutely obsolete, but containing expressions that are obsolete, and which might wisely be



that they can vote to-morrow at noon.


The question being stated, Shall the vote of the Convention at the morning session fixing the time of voting under Mr Chandler's order at twelve o'clock Thursday, be re-considered: the motion was declared lost on a *viva voce* vote.

On motion of Mr. Eastman of Exeter, the Convention resolved itself into Committee of the Whole, for the purpose of further considering the resolutions relating to representation

In Committee of the Whole.

(Mr. Little of Manchester in the chair.

Mr. Dudley of Concord—I beg the indulgence of the committee for a moment to make a few remarks on the matter under consideration.



I have heard a good deal said about sentiment and principles of equality here in this meeting. It has occurred to me whether there has been any real meaning in the appeals that have been made here to the sense of equality in representation. I came here without any preconceived ideas in regard to what to do or how to vote on this question, and I have listened carefully and considerately to all that has been said, and have tried to arrive at some conclusions myself.

Now, gentlemen, have you considered what the district system means? It means this: that if the district system pure and simple is adopted you have got to go into every town and ward and carve them up so that each district shall contain the requisite number to send one or more representatives. Going into Ward One, Concord, where I live, for instance, if you fix your districts according to the ideas of the gentleman from Franklin, Mr. Leach, at 1,370 inhabitants, you would carve a district out of Ward One containing 1,370 inhabitants and would have left about 550 that would not be included in the district. I want you to consider the effect of that. You have carved up this one ward and have gotten a district of the required size from it, but in order to preserve equality of representation under your district system, you have got to put the balance of the inhabitants over into another ward and from that union carve out another district and in that way you have got to go through the towns and wards of the state.

Under your district system, to preserve this equality, you have got to have your districts about equal in number of population, or multiples of a certain number, and, as the population of the wards and towns are to-day, you will find that none of them will answer the requirements and you will have to revise and carve up anew the towns and wards to readjust them to the district system.

I have lived in Ward One of Concord some twenty years, and nearly ten years of that time we were within a very few of the requisite number to have two representatives, but we had only one. We existed during that time under those condi-

600 inhabitants should have the same number of representatives as a town of 1,800, or rather 1,799? Why is it that a town of 600 inhabitants should have one representative and it takes a town of 1,800 to have another representative? It is because the people of Concord, of Manchester, of Dover, of Portsmouth, and of Exeter, and of all those large towns have said to the people of the small towns, "We want you represented here. We want you to come down into the councils of our state and be heard. If the representation is put at a larger number you cannot be heard, and therefore we will keep it as it is. Come down and consult with us." Not only that, but they have gone into the back towns and the small towns of the state and have picked out governors, and councilors, and representatives of congress, and perhaps senators. Is there any inequality in that? Is there any question of inequality or equality. Has not this system stood because this question of opposite interests of the cities as against the towns

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has never been considered? I was surprised to hear it brought up in this body as it has been in this discussion. The present system has not existed so long because it was thought to be exactly on the basis of equality, but because the larger towns and cities have voted that it should be so.


If the basis of representation is made on the basis proposed by the gentleman from Newport, Mr. Barton, at 600 for the first representative and an increase of 2,000 for each additional representative, where are you then? Are you losing your power? Take the towns in this state of over 600 inhabitants and look them over, and you can see if at any time they feel they are unequally represented or are being deprived of their rights whenever a Constitutional Convention is called—and they can vote to call one—they can come down to this Convention, and these towns that have a surplus population over 600 are enough to carry any question through that might be submitted.

This is the way that I have been looking at this question here to-day. The cities and towns have not said that the present system is on the basis of absolute equality, but they have said, "Come down here and consult with us; sit in our councils of state and it will have a beneficial effect on the small towns and the large towns and cities alike." There has been no question of the opposite interests of cities and towns in the present system.

I was a good deal surprised this fall when I was looking around to see who were voters in our ward. I went down to a factory and said to the superintendent, "Whom have you for voters?" It was a large factory, and I expected that there would be many voters employed there; but the superintendent said, "There are not more than three or four in my whole mill." How was that? Most of them were women, and children, and girls. I supposed there were thirty or forty voters there until I investigated. That is a little illustration of the condition of things that exist in many of our cities. You can bear that in mind when you are thinking on this problem of absolute equality with reference to representation. In cities,

**Mr. Shaw of Kensington—**It seems to be the sentiment of this house that the house of representatives shall consist of 300 members, and I think that would be a fair thing.

I represent a town of less than 600 inhabitants. We had, during the War of the Revolution, 850 inhabitants, and at the first census that was taken about 800. In 1850 we had 700, and now we have less than 600 and are pro-rated. I am willing to vote that we shall raise the number necessary for one representative to 800, and that the smaller towns shall be pro-rated, or, if they choose, shall be classed together to send a representative to the legislature. I think that that would be fair. The present system gives a population of 600 for one representative and 1,200 more for each additional representative, and our friends from the larger places do not want this proportion made any worse. I am willing to gratify them, and if we can get a bill through here that will keep the pro-



portion as it is, and will allow those towns to be classed together which wish to be so classed, I am willing to do that.

There is another thing that I want to speak about, and that is the number of amendments that we shall submit to the people. I believe that we want to adopt a few measures and then go home, and the people can see that we have done something. You have already been told how way back in 1850 the Constitutional Convention held that year reported a large number of bills. They came together and adopted fifteen proposed amendments, and the whole of them were rejected. The people of this state do not want many amendments made to the Constitution. We have had amendments offered here, and the people don't want half of them. I don't believe in it. I think we might adopt a few, and then we can go home and submit them to the people, and the people will approve of them.

I will say further that many times I have been spoken to by customers who buy my milk, and they would say, "Shaw, your milk is half water," and I replied, "Yes, it is three fourths water; 85 per cent. water, and 15 per cent. cream." Now it seems to me, Mr. Chairman, that in all of this talk we have heard in this Convention there is too much skimmed milk and too little cream.


Mr. Blanchard of Pittsburg—As this meeting has assumed somewhat the nature of an experience meeting, I want to give my experience.

We have a population of 687. We had 210 voters at our last election. We have had the privilege of sending one representative to the legislature for the last fourteen years. Previous to that we were classed with the town of Clarksville, which lies directly to the south of us. We are bounded on the north and west by the Dominion of Canada, and on the east by the state of Maine, and on the south by Clarksville. Any proposed district system which would be adopted would necessitate our being classed with Clarksville, and perhaps Stewartstown.

towns elect to class themselves, as provided in the Mitchell bill or resolution, if it is adopted.

I do not understand that the voters will be subjected to the inconvenience that has been suggested by the last gentleman who has spoken, because I understand that, under our present system of voting, the candidates for representatives named in the classed towns would be upon the tickets in each town in the class, so that each voter would vote in his usual voting place. The classed towns would not need to have a district meeting such as they used to have under the old class system. This is a matter worthy of consideration, and one which might determine the minds of many in favor of or against this proposition.

Having the Australian ballot, with tickets bearing the names of all the candidates, including the name of the candidate for representative, in the classed towns, the voter would



be put to no more inconvenience than he is put to under our present system.

Mr. Fellows of Tilton—The gentleman from Nashua asked the question in a tentative manner, whether the back towns, or rural towns, were going backward. I have been all over the state this fall together with the other members of the state board of equalization, and have had reports of all the towns in the state. The unanimous report from all of the rural towns, so-called, is that they are going back. The selectmen have been before us, and the county commissioners have been before us, and they have asked to have their assessments reduced because, as they said, the valuation and population were decreasing, and we have very generally reduced the valuation in every country town. They say the valuation should be put on to the cities and larger towns because they are growing. They also ask the legislature to make appropriations for schools, highways, and general public purposes from which they receive benefit. It seems to me it should be a question with them where those taxes are coming from.

It has been conceded here, I think, that there is no equality in this state under our present Constitution, so far as representation is concerned. We have been talking about everybody being born free and equal, but that is speaking of ancient times, because it is conceded by myself and other countrymen that each one of us is better than four or five living in the cities, and we ask to have a larger representation because we are better. We also ask to have the cities raise the money for our schools and other appropriations because we ourselves have not the money.

Under the apportionment bill to be presented to the legislature at its next session, it will appear that the valuation of New Hampshire for the purposes of raising taxes is over \$285,000,000. Eleven cities of the state have a valuation of \$138,000,000, and they pay \$482 of every thousand of the state taxes. In other words, they have forty-eight per cent. of the valuation of the state, and they pay forty-eight per cent.



of the public taxes of the state. These same cities have forty-one per cent. of the population of the state; they have thirty-seven per cent. now of its representatives.

Referring to the city of Manchester for the purpose of making some comparisons: I find the valuation of Manchester is a little rising \$45,000,000, and she has a population of 57,000, in round numbers, and a representation in the house of 49. Taking the four counties of Belknap, Carroll, Sullivan, and Coös, the combined valuation of these counties is \$48,000,000, with a population of 84,000, and a representation of 86 as against 49 for Manchester—the valuation being practically the same. The three counties of Carroll, Grafton, and Coös have a valuation of nearly \$49,000,000, a representation of 89, and a population of about 87,000. The two counties of Cheshire and Grafton have a valuation of \$30,000 less than Manchester, and they have a representation of 74 in the house, their population being 72,165.

It is admitted here that the population of Manchester and these other cities is made up of foreigners. Instead of smelling of the barn-yard they smell of grease, and they are not as good a class of people for the state of New Hampshire as we people who live in the rural communities. But they have a larger wealth per capita, and if we take them according to the amount of money they are able to accumulate they would certainly seem to have the advantage. The valuation of Manchester, as I have said, is \$45,000,000, with a population of 57,000, while the valuation of the first four counties I named is only \$48,000,000 with a population of 83,000, and dividing the valuation among the population in each case you will see that the valuation per capita in Manchester is much greater than in the four counties named. In the three counties, Carroll, Grafton, and Coös, the population is 87,000, while the valuation is about \$49,000,000, as against the population of Manchester of 57,000, and a valuation of \$45,000,000. The valuation of the two counties of Cheshire and Grafton is \$30,000 less than Manchester and has a population of 72,000 as against 57,000 in Manchester. Certainly these French-Canadians are a poor class of people!

If these cities are agreed, as they seem to be, to have this inequality of representation go on, I as a countryman cannot object to it; but it seems to me that we ought to be willing to concede a little to them. I am willing to concede a little for I want to bring about something that will reduce the house. If they are willing to give us 600 and take two or three thousand for the number necessary for the second representative, all right and well, but if they object to this and say that their representation is at present as low in comparison as that of the country towns, or lower, and they don't want that discrepancy to be increased, I am willing to concede that to them.

There is one resolution that has not been mentioned, but which it seems to me is no unfairer than any other that has been talked of here. That was the resolution introduced by the gentleman from Hillsborough, making one representative from every town and ward in the state. That would give us 289 representatives in the house, and since we admit that we are not fair and are not going to be fair, that proposition strikes me rather favorably.

Mr. Eastman of Exeter—May I ask the gentleman from Tilton, Mr. Fellows, a question? Can you tell how much the tax paid by the city of Manchester to the state of New Hampshire amounts to?

Mr. Fellows—It will be \$159.10 on every thousand.

Mr. Eastman—Do you know how much money the city of Manchester receives from the state for the railroad and savings bank taxes?

Mr. Fellows—I haven't it here, but it is the same proportion that every town receives where that class of property is held, and savings bank depositors are scattered everywhere throughout the state.

Mr. Eastman—Do they not receive enough money from the

travels at the present time that towns are springing into new life and wealth and that new and beautiful summer homes are springing up everywhere on these farms?

Mr. Fellows—It did occur to the board of equalization that the summer visitors were adding to the prosperity of the towns; but the plea was made to us that they ought not to be taxed because the people did not want to drive them from the state, and in the very towns where they were going we were asked to make reductions in valuations.

Mr. Hubbard—We realize in my town (which has gone back many thousands of dollars in the past ten years) that our valuation has been too high, and this request for reduction has been because the valuation is more than the property brings at public auction in nearly every case, which is not true of the cities.

Mr. Wingate of Stratham—I wish to make a statement that has perhaps been in the minds of all of you. The gentleman from Lancaster, Mr. Drew, this morning pointed out the desirable features of town representation, and we all agreed with him. I think that he advanced in his eloquent argument some important and true ideas. But this occurs to me—why, in this matter of city and town representation, may we not be as democratic as our national government? At one time New Hampshire sent five representatives to congress. She now sends two. Some of the members here will not have to be so old as I am before we are cut down to one. I think the next census will do. Already Delaware, one of the old original thirteen states, has but one representative, and yet she has not population enough to elect that one representative, if you take it in proportion to the numbers required to elect one representative in other states, such as New York, Pennsylvania, and many of the Western states. Should she on that account be deprived of her one representative? Do you want to be deprived of your representation in congress? One man in New Hampshire has the power of seventeen in the state of New York, as far as representation in congress is concerned.

As has been remarked, the cities of this state do not suffer on account of any legislation that has been enacted in our legislature, and they cannot suffer, for they have control of the senate at all times.

I merely desired to call this matter to your attention. Undoubtedly it has been in the minds of many of you. I think none of us want to lose a representative from New Hampshire, but if you argue on the line that the delegates from the cities are arguing here, with reference to town representatives, you will lose your representation in congress.

Mr. Gilmore of Manchester—I have a few figures here and I simply want to state them that they may go on record. I do not intend to make a speech—that would be impossible.

I think no Manchester man has submitted any distinctive plan for adoption in this Convention. On the basis of what

Hillsborough county as 112,640. Manchester has 56,987, or 1,334 more than the rest of the county. Now is there any reason why Manchester should not have one half of the members of the county? That would be 41 under a representation of 82 for the whole county—Manchester would have 41, or possibly 42.

Now how would it work under the Barton bill? I will take Goffstown as an illustration from many others. Goffstown has a population of 2,528 and now has two representatives. Under the Barton bill it would have but one. Bennington has a population of 667; Greenfield, 605; Brookline, 606; Hancock, 642—an aggregate of 2,520, eight less than Goffstown—and they would have four representatives while Goffstown would have but one. That is the equality you would get under the Barton bill. Goffstown would lose one representative; Hancock and the other three towns one each.

In the last legislature 100 towns with a population of 56,949 had 100 representatives; Manchester, with a population of 56,987—more than the 100 towns—had but 49. There comes again your equality, 100 to 49, with less population. To be sure, some of those towns were pro-rated towns, and pro-rated towns will exist under any system except the town system.

Now the gentleman from Franklin, Mr. Leach, spoke about transferring votes from one place to another. My idea would be, where there is a surplus—say, for instance, in the city of Manchester—under any bill there probably would be a large surplus. Now if we were entitled to two extra, or three, and Wards Three, Four, and Five should have a large surplus after electing the representatives allotted to them, then representatives could be elected at large throughout the city to complete the equalization.

Now, as I have said before, I had no proposition of my own—neither has any Manchester delegate. Mr. Lyford's bill comes the nearest to being right, to my mind. There are, of course, as I think, some imperfections in it. I do not want the legislature to meddle with anything in the shape of allotting representation. I want some board to decide, which is appointed either by the superior, or the supreme court, or elected by the people—a board that will divide the counties equitably, and I would not have it done less than once in ten years, and then on the basis of the previous governor election. If this is done by a board appointed by the court or elected by the people it removes from the legislature the temptation of dickering. There is a temptation to do almost everything in the legislation line by dickering. As many of us know, at the first of the session the members will reject a proposition, three to one, but when they get into the whirl of legislation and each member is trying to get some bill through, I have known them to reverse the action taken at the first of the session and pass that very measure which they rejected and pass it by a vote of three to one. I do not believe that they should be placed in such a position with reference to this

It was my privilege to introduce this measure which bears the name of the "Barton bill," and which has been talked about more or less at every session of this Convention. I am very anxious that my position on that measure should be understood, and I feel that it is not at present.

I believe there is a great principle involved in the way that our towns are represented in the legislature and in the make-up of our representative body. I do not think it can be reduced to a matter of dollars and cents. I agree with the gentleman from Lancaster, Mr. Drew, who spoke this morning. I have heard some say they did not really understand his position. If that gentleman did not make himself plain I may well despair of succeeding better. I understood the gentleman to say his idea was that all towns should have a representative in the legislature to speak for them, and be at all times ready to protect their interests, that their cases might not go by default.

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Thus far I think we have not listened to a single reference to our Federal Constitution, and I would like to read, with your forbearance, one or two sections from that document.

Article I, Section 2.

“SECT. 2. The house of representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

“No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

“Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every 30,000; *but each state shall have at least one representative; . . .*”

Now right there is the meat of the whole proposition. We are told that it is not right for a town of 600 people to have a representative, and that other towns go on acquiring 2,000 additional population before they will be given a second representative. I grant that is not perfectly equal, but the framers of the Constitution of the United States gave New Hampshire the right to a representative, and gave the same right to every state in the Union to have a representative in our federal congress assembled at Washington. They said that every state should be heard. The inequality of the sys-



to settle it, but I have always thought it was so settled, and settled nearly forty years ago. Yet in all this time our Constitution has not been changed in this respect. I take it that the states do form a union in this country as indissoluble as that of a family, and the principle of representation is exactly the same when applied to the little towns of the state with reference to the whole state as it is in the larger field of the whole Union when applied to the different states of the Union. I maintain it is precisely the same principle, and the framers of that great instrument recognized the principle of representation as one of such moment that concessions should be made to it, and then and there they said that every state, no matter how small, should have a voice in congress. That was for the purpose of representation and for no other. They did not propose to have a state's case called in congress and no man there to answer for it. They said that there should

be a man there to stand for it, to represent it, and that is the principle that I believe should be laid down and kept in the Constitution of the state of New Hampshire.

Mr. Lamprey of Concord—Suppose this condition comes about, that by and by the Union consists of 100 states, if it were possible, for the purpose of illustration—and it coming about gradually and unavoidably that seventy-five of those states would be in the relative condition of Delaware and Nevada, which has only population enough to make a decent city—suppose it should come about that seventy-five out of a hundred would be in that condition, would the proposition that each state should have a representative be a fair one?

Mr. Barton of Newport—I believe most emphatically it would. I think that the state of New Hampshire never should agree to elect a representative to congress for only part of the time, and say, let Rhode Island elect for a part of the time, but that New Hampshire should always have an advocate in the national house, and if it becomes necessary to construct a new capitol at Washington to accommodate the representatives, as it is feared we shall have to do in Concord, we will build a new capitol. The principle of representation is so inextricably interwoven into the fabric of our government, that you cannot pluck it out except you destroy the government itself. Each state will always insist upon representation in congress *all of the time*. It was this principle of representation which I had in mind and acted on when I fixed the number for the first representative at 600.

I do not approve pro-rating towns having less population than 600, believing the same to be fundamentally wrong, but I am aware that in 1876 the country towns consented to this arrangement. Feeling that we are assembled to accomplish the reduction of the house, and not thinking we had come to the point where we were likely to adopt anything radically different from our present method of electing representatives, I presented this measure. Thus to me the most feasible proposition seemed to strike off one or two representatives from

The friends of this bill, in considering what it would cost, asked themselves the question, "How much can I afford to give?" Some thought they could give one representative; other towns thought they could give two, and so we went along in this way. This was the spirit in which we looked at it—not how much is the other fellow going to give, but how much can *we* afford to give. We might have been foolish and not foresighted in taking this position, but actually that is the way we looked at it. But when we come down to Manchester, the delegates do not look at the matter in this way. It is not how much *they* can afford to give, but how much the other fellow is going to give. I do not think Manchester is looking at it from the right standpoint. How much can *they* afford to give for the sake of reducing the house without jeopardizing their interests, and how much can *we* afford to give. This is the principle I think we ought to act upon.

'They say the little town has no interests in the legislation of the state, no vital interest, but has n't it? There has been, and will be, legislation along the lines of good roads, forestry, fish and game, summer visitors, etc. Do not every one of these questions affect the rural communities? They do not all involve expenditure of money, perhaps, but they are of importance to these country towns.

At the present time, gentlemen, there are sixty-eight or nine pro-rated towns and it is agreed that only two thirds send a representative to any single legislature. This makes one third that is always left out—twenty-three towns that have no vote or voice in our legislative body. If you are to raise the number for the first representative to 800—or for that matter if you should raise it to seven, as it would make little difference because most of the damage is done between six and seven—if you should raise it to 800 you would have thirty-seven towns left out every time you came to the legislature, they would have no voice in the legislation enacted and no one to represent their interests. I say that this is not right. It is in flat violation of our Federal Constitution. It is undemocratic, it is unjust, and I am unalterably opposed to it.

I hope I have made myself plain in this matter. If we are prepared for a system that will represent us all in each legislature I am for such a system. If we are not, let us stop right here and not extend any further this inequitable and un-American doctrine of disfranchising our small towns.

Mr. Stone of Franklin—I move that the Committee do now arise, report progress, and ask leave to sit again.

(Motion prevailed.)

In Convention.

(The President in the chair.)

Mr. Little, chairman of the Committee of the Whole, reported that the Committee had been in session, having had

On motion of Mr. Little of Manchester, the Convention resolved itself into Committee of the Whole, to consider the various resolutions in amendment of article nine, part two of the Constitution, relating to representation.

In Committee of the Whole.

(Mr. Jones of Manchester in the chair.)

Mr. Pike of Stark—Gentlemen of the Committee: I did not intend to take any of your time. There has been plenty of talk here and some figures which are misleading, I think. I assume, gentlemen, that a majority of this body favors the town system, therefore I shall confine my talk to that proposition and to the matter of the minimum number that should be required for the first representative.

We have in this state thirty towns with a population of from six to seven hundred, and twelve towns with a population of from seven to eight hundred, making in all forty-two towns with a population of between 600 and 800. Those towns if allowed to elect representatives to each session of the legislature as they would be on a basis of 600, on a basis of 800 would have to be pro-rated. Pro-rated they would be allowed to elect legislators three fourths of the time, which would take out only eleven members at each session of the legislature—not a very large number. If the first number was made 700 instead of 800, then you would simply have three more members from those towns than if the number were fixed at 800. The thirty towns from six to seven hundred would send but eight representatives to each session of the legislature more if allowed to elect on a basis of 600, and they would only send eleven less on the basis of 800 than if allowed to elect on the basis of 600. That is not a very large increase. It does not seem to me that it is large enough to be dangerous.

My first idea was that this struck the northern part of the state, but when I came to go over it I found it was not so. It strikes the southern part of the state, the towns contiguous to large cities, and certainly those cities ought not to be afraid to have one or two representatives from towns contiguous to them. The only harm they would possibly do in any event would be in the county conventions for the purpose of raising money and building county buildings, etc. Certainly it would be a pretty small representation that they would have in addition if allowed to elect on the old basis of 600 instead of 800. It would only increase the members in each session of the legislature eleven if put at six instead of eight, and if put at seven instead of eight it would make a difference of only three in each legislature.

The following is the difference by counties that it would make if the basis was 600 instead of 800:

In the county of Rockingham, 2.

In Strafford,  $\frac{1}{4}$  of 1.

In Belknap,  $\frac{1}{4}$  of 1.

600 to 700, and two from 700 to 800. In Sullivan county there are none. In Grafton there are six from 600 to 700 and two from 700 to 800. In Coös there are two from 600 to 700 and two from 700 to 800. Two of those towns are Carroll, with perhaps more summer hotel property than any other town in the state except perhaps Bethlehem, and the other one of those towns is Pittsburg, and all those towns in Coös county are towns having a large value in timber lands.

I do not see how it would be doing any wrong, and I do not think it would be dangerous to add eleven members to the house at each session. I think this house will vote for the town system, and I think it will put it on the basis of 600, because I think it will do no injustice.

Mr. Clyde of Hudson—Mr. Chairman and Gentlemen of the Committee: I do not come down here in front for the purpose of making a speech, but I have contracted a bad cold

since coming to this Convention and I think it will be more comfortable for you and for myself also if I come down here where you can all hear me.

I would ask, Mr. Chairman, that the clerk read the resolution which I presented. (Resolution read by the clerk.)

Mr. Chairman and gentlemen, as the chair has stated, I come from the town of Hudson, a country town, a town on the east bank of the Merrimack opposite the city of Nashua. I was not born in that town. I was born in the old state of Massachusetts, but when I was two years old they brought me into that town and there since that time for the most part I have resided. I have played in its fields, fished in its streams, and worked on its land; I have served in different capacities in that town, and people have trusted me and I have trusted them. That is my home and of course I love that town and have an interest in it.

Over to the east of that town is the old town of Windham. There in 1672 my great-great-grandfather settled, and there in the woods is the old homestead. Down there in front of the old homestead is the spot where it is said the minute-men of Windham mustered to take part in the War of the Revolution. Down there in the old cemetery are the graves of my grandfather, my great-grandfather, and my great-great-grandfather. I love that old town as well, and I would be the last man to vote away from either of those towns any of their sacred privileges.

After I finished my school, and passed the New Hampshire bar examination, which my friend from Exeter, Mr. Eastman, presided over, I hung my shingle out in the city of Nashua. I have been going in and out of that city for the last seven years and have become pretty well acquainted with its business men, its lawyers, and professional men, and my business has enabled me to come in contact with these people. Some of them are of the old Dunstable stock; some of them come from New Boston, as the gentleman from Nashua, Mr. Wason; some from Milford, as the gentleman from Nashua, Mr. Hamblett; and some from the snowy plains of Canada;



Americans all—whose fame is no more to be hemmed in by the state lines than their talents and patriotism were capable of being circumscribed within the same narrow limits. In their day and generation, they served and honored the country, and the whole country; and their renown is of the treasures of the whole country."

Now, my friends, to-day we ought to come here with a spirit like that of Daniel Webster. There should be no Nashua here, no Manchester here, no Coös here, no Carroll here—nothing but New Hampshire, the grand old state of New Hampshire, the grandest and best republic of all the land. So my first thought, gentlemen, is patriotism, patriotism for old New Hampshire.

My second thought is justice. A gentleman from Nashua said that there is no God, but there is a God, gentlemen, and He presides over the destinies of nations and of peoples,

and has presided over the destiny of this Union, and has and is presiding over the destiny of the state of New Hampshire. What did He through his apostles say: "And what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?" Again, "Thou shalt not steal;" "Thou shalt not covet thy neighbor's wife, or his ox, or his ass, or anything that is thy neighbor's." I do not know but it is just as well to apply that politically as in any other way, and so my thought is, gentlemen, in whatever we do it shall be done first in patriotism and then with justice and equity.

Now we have been here, as the gentleman from Bedford, Mr. Woodbury, has said, and we have carried on this discussion under this plan for the most part. Members have come here with the idea of justice and equity, and they have presented their resolutions with the idea that they tend to justice and the best interests of New Hampshire and to equality for all. Now what have we here in the problems that we have been discussing. The gentleman from Laconia, Mr. Busiel, said the other day when the framers of our Constitution framed article nine, that we have under consideration, they came down to the words "There shall be, in the legislature of this state, a representation of the people biennially elected, and founded upon principles of equality," and then stopped there and inserted something which was very unjust. Perhaps I agree with him and perhaps I do not; but I will say this, that they did not only stop there but went a little further and they gave away some of their sacred rights. They put into the hands of their representatives absolute power, without the power to undo the work of those representatives except through a general election. This principle, gentlemen, I believe has worked evil in this country and has produced the evils that our great high-minded president of the United States is now grappling with and for which he deserves the support of every citizen of every town and every state in the Union. With reference to the giving away of some of this power I have introduced a resolution which I will speak of later in this Convention.

torney in New Hampshire, and I have given three years of my life to the law. I am interested in the good administration of the law. That is my business. Gentlemen, I insist that the supreme court of New Hampshire shall be kept pure and inviolate. I insist that the supreme court shall not be delegated to appoint schoolmarms in country schools, or selectmen, or county solicitors, or sheriffs, but it shall be and remain a pure and honorable body as it always has been, and that there shall be no politics mixed up with it.

Mr Barton's resolution is not equitable. I think Mr. Lyford in his remarks showed that. Also in the bill of the gentleman from Concord, Mr. Mitchell, I think there is inequality in that. You know it. You cannot put that bill down as one of perfect equality.

Now what is to be said of my scheme, to have one representative from every ward of a city and every town of the state? What do you say to that? My Brother Hamblett said

the other night that that was the worst yet. One of the points here, and the principal point is to get rid of this inequality of representation in some way. You all love equality, and you are all interested in having equality in the election of representatives. In all of these systems that have been presented there would be undoubtedly inequality in representation. I have in my resolution provided for a representative from each ward and town in the state. There may be inequality in that, but my remedy for any injustice that might arise from such inequality of representation would be in insuring a referendum to the people of all questions. I want to ask you, gentlemen, to study this when you have the time. I do say that my proposition would be the most equitable of any proposition that has been proposed.

Now let us come to this question with a view of the best interests of the state. What are the best interests of New Hampshire? I will say in the first place, economy. Do we not want economy in New Hampshire? Have we any money to throw away? Coal is \$10 a ton, and the cattle disease has crossed the line.

Some of you have said that you came here with no preconceived notions. I did. I came here with the notion that we should have only 100 representatives. I said that this large number, 300, is too many and too expensive to the state. So I went to figuring. Supposing you could cut the representation down to 100 members. Supposing on the average we have had in this state 375 for the last twenty-five sessions—I do not know whether that is right or not. You have paid them each at least \$250 a session. We will take out 275, and that represents an annual payment of \$68,750, that would be saved at each session of the legislature. Twenty-five times that amount would be \$1,718,750. Would not that money have done a great deal of good in New Hampshire if it had been expended in other ways? They tell us that it would cost \$5,000, to build a mile of boulevard. How many miles of boulevard can we build in New Hampshire with that money? Three hundred and forty-three. Lay that number of miles

**In some respects I have changed my ideas with reference to the number that should be in the house by talking with other members of this Convention, and I think, all things considered, there ought to be about 300 members. Whatever system we choose, whether Mr. Lyford's district system, or Mr. Barton's town system, or Mr. Mitchell's system, we have in each about 300 members. The district system would give us just 300. Mr. Barton's and Mr. Mitchell's about the same. How many would we have under the system that I have proposed? There are 225 towns and sixty-six wards in the state, and that would make 291, if I am correct. And so in all of these systems we seem to be agreed upon about 300 as the number.**

Coming to another point, that of efficiency of representation. There is a distinction between equality of representation and efficiency of representation. What is that distinction? This state is made up of little republics, as has been said, little communities which are republics in themselves.

Now it is well for the representatives to know the characteristics and the purposes and the wants of the community that they represent. It has been proposed that Hudson and Pelham be united to send a representative to the house. I know Hudson pretty well, I know its people and its policies; but I do not know nearly so well the people of the town of Pelham or its wants. I do not know the policy of that town. If, therefore, I should be elected to represent that town with Hudson would there not be an inefficiency of representation so far as Pelham is concerned, and if a man from Pelham was elected to represent both towns would not the same inefficiency of representation apply for the town of Hudson. That is what I mean by inefficiency of representation, and what I seek to avoid in my scheme. I say that my scheme of having a man from every town and every ward represents the best efficiency. My proposition as regards efficiency is at one end of the line whereas Mr. Lyford's proposition is at the other end, while his represents the best equality. Now, then, we must get together.

Here is another point, and that is, permanency of representation should be considered. How about that. Mr. Lyford's scheme proposes 300 members all the time. Mr. Mitchell's proposes to have 301 all the time. My scheme would give us 291 all the time. Mr. Barton's would not, but a constant increase.

Let us see then what we are after. We want efficiency with equality and with permanency in this matter.

Now I think Mr. Mitchell's proposition represents permanency. I think for a large part also it represents efficiency, as you will get representatives who have knowledge of the people and of the policies of these little towns. For a large part it also represents equality of representation, but there is something lacking with that. What is it? I want something that will give an opportunity to undo if anything is done wrong by reason of this inequality of representation. If by reason of a greater representation from the towns than from the cities. For instance, if by means of that greater representation the towns shall say to the cities, "You must have

**Mitchell's bill, and then it is a perfect bill,—perhaps not perfect, but the best we can get.**

Mr. Scott of Peterborough—If I am correct in my time, Mr. Chairman, we have but a little more than half an hour before the time for the special order, when we are to commence to vote upon this question. While I now have the floor and consequently could keep it until that time if I saw fit unless the Convention sat me down, I would not be so unfair. In the short time which we now have to discuss this matter I think speeches should be limited to five minutes, and I therefore move that from now until the time of the special order all speeches be limited to that time.

(Question is put by the chair and the motion prevailed.)

**Mr. Rogers of Tilton—Mr. Chairman and Gentlemen of**

this Convention: If any one had said to me two months ago that I was to stand before this Convention and address it on the constitutional question I should have said they were very much mistaken.

I am very conservative, and if conservatism is evidence of ignorance, as stated to us yesterday, I must be densely ignorant. It seems to me as I have listened to this discussion, and I have heard it all, that there is one principle that has been overlooked entirely by the gentlemen who have spoken. I know the gentlemen who have preceded me know more constitutional law, and forget more constitutional law every night, than I ever knew or ever expect to know. The framers of the Constitution provided that representation should be founded on principles of equality. It seems to me the great question is, What are these principles of equality; what was meant by the framers of the Constitution by principles of equality? It seems to me this whole subject is solved when we consider what they did under that provision of the Constitution. They provided that *towns* should be represented and not the *people*; that representation should not be according to population but representation should be by towns. Now what further did they do. Why, gentlemen, we can ascertain the intention of the framers of our Constitution, as I have said before, by considering what they did under it.

It is well known that many of them, or some of them at least, were gentlemen that aided to frame the Constitution of the United States which we all adore, and I believe if there was ever an inspired instrument, ever a document written by the hand of inspiration, it is the Constitution of the United States. And those men, some of those men who helped to frame that Constitution helped to frame the Constitution of New Hampshire, and it stands the same now in principle as they framed it, as far as this principle of equality is concerned in representation.

What did they mean by that. We can ascertain what they meant by it, by going back and ascertaining what they did under it. Their intention can be ascertained, and ascertained



ratable polls and an equality among towns that have 450 ratable polls, and that is the equality that they established, and that they meant when they made this constitution.

Mr. Chase of Bristol—Prior to coming down here I did not have time to examine this question at all, yet it seemed from what I had been able to learn from the public press that if the basis of representation was to be that of inhabitants the district system would be the proper system for us to adopt. I come from a town which used to have two representatives, but for quite a long time has had but one, and it has 1,000 surplus in population above the 600 required. But upon coming down here and conferring with those in my immediate vicinity to whom we would be glad to give our surplus, I find that they take very decided views in opposition to the district system. I believe that the town sentiment among the towns is very strong, and I believe they know their own interests.

It seems to me that the cities and large towns are well enough as they are. They have large enough representation. Why, then, should we attempt to force this district system upon the smaller towns which are not asking for it and do not want it. It seems to me my duty in this matter is plain, that I cannot vote to sanction the coercion of the smaller towns by such a measure as has been presented here in the district system.

If the town which I come from is abundantly satisfied with one representative, although we have almost enough for two, why are not the larger towns sufficiently represented even if they also have a surplus population, and especially the manufacturing towns which have a large migratory and non-voting population, thus giving them an advantage over the smaller towns. In our section the proportion of voters to inhabitants is about one to three, but in large manufacturing towns I am informed that it is about one to seven. So if the basis were voters instead of inhabitants, their representation would be very much reduced.

Allusion has been made to the great saving that might be made by reducing the house. We have some 397 members. By the proposed amendments we should have about 340 or 350 in the house and the senate inclusive. That would make the magnificent sum of seven or eight thousand dollars saved per annum. It seems to me there is no great demand for such a change on account of economy. I agree with the sentiment of the gentleman from Bedford, Mr. Woodbury, that there is no demand for such a change as is proposed by the district system, and therefore I am not in favor of it.

Mr. Casey of Concord—Mr. Chairman and Gentlemen: We have had this representation question under discussion for three days or more and it appears that we have wasted much valuable time in view of the situation which seems to prevail amongst the members of this Convention as regards the town and district system. The advocates of the former want to retain the representation which they have at present, with the

vincing arguments presented by the advocates of the district system, showing how the system would work for the people as a whole, and the advantages which would be derived from such a plan.

Now the question is would this plan be satisfactory to the people? It is proposed that the county commissioners or a board of special commissioners elected by the people of the county should make the assignment of the representatives in each district. This plan might work satisfactorily providing that it is a non-partisan board, but I have an idea that the board to be elected would be partisan, in accordance with elections as carried on throughout the length and breadth of the state. I witnessed something of this sort in the legislature of 1893. In this city of Concord the dominant party made an addition of two wards for the expressed purpose of maintaining its supremacy in the other wards of the city, as it was shown by the previous election that they were in danger of losing the prestige which they had held.

It has been repeated by several members of this Convention that the state would be saving fifty thousand dollars every two years by the system which is proposed by Mr. Lyford. I believe there is a resolution introduced here to increase the senate from twenty-four to fifty members. Can this be done without expense? Also we must look at the expense which this commission will incur. It appears to me that the object of cutting down the representation is to pay salaried state officials a greater amount of money than they receive at present, in order that they may be able to live in better style, and remove all chances of a man of inadequate means from ever aspiring to any higher point than to be a hewer of wood or a drawer of water.

As a member of this Convention I am not in favor of such a plan. I was elected by my constituents to come here and do what, in my judgment, is best for their good. I never had the honor of sitting in a body of this kind before, as I never aspired for such a position previous to the last election and I feel proud of the place. It has been said by a great many men who have preceded me, that it is an educational institution and from what I have seen and heard in this Convention I am convinced that such is the case, and I do not want to lessen my chances of sitting in this hall at some future time, or to close the place to some other individual of my sphere in life, who may have the ambition to become a member of the legislature.

It has been remarked by several gentlemen here that there is not room enough in this hall to seat the number of representatives at present and that we would have to enlarge the state house. I do not object to such a scheme, as it might be of some benefit to me and to members of my craft, as I know that we have plenty of good granite in this locality, and we have the men here to perform the work.

A great deal has been said about the inequality of the present system. It is claimed that the towns run the legislature at the present. It would be more so under the bills proposed by Mr. Barton and Mr. Scott. In looking over the laws of

**Mr. Chandler of Concord—Mr. Chairman and Gentlemen** of the Committee: The friends of perfect equality of representation in the house of representatives of this state have presented a proposition which is to be considered and the Convention is shortly to vote upon the question whether it will adopt the district system or the town system. No one has disputed the claim that if the state would bring itself to adopt the district system there would be perfect equality in every respect. On the other hand, it is admitted that the present town system is a system of inequality, for the simple reason that if the town has 600 inhabitants it can send one representative, while it requires 1,200 for an additional representative. So, Mr. Chairman, if we vote down the district system we are going to vote for a system of inequality. There is nothing but the district system under which you can have perfect equality and yet give a representation to the small

towns which have less than 600 inhabitants. In a system of attempted equality upon the town plan you must give to the larger towns having over 600 inhabitants a representative for each additional 600, and this you cannot do unless you make the house of representatives 666. Now, Mr. Chairman, is anybody willing to advocate that? Yet I would rather, in order to secure the principle of equality so magnificently stated by the gentleman from Lancaster, Mr. Drew, yesterday and yet abandoned by him before he finished his speech, have a house of representatives of 666 and take my chances in it and take the chances of the property interests and the personal interests which pertain to my city, than to see the present unequal town system continued.

Mr. Chairman, instead of having this perfect equality secured we have stricken down in our present Constitution 266 of the 666; we have taken them away from the large towns and cities thereby violating to this extent the principle of equality, and now it is proposed in this Convention to strike down 100 more, to take them from the larger towns and the cities—to take in all 366 representatives off the principle of perfect equality and yet to encourage the hope that we can get from the people of this state a two-thirds vote in favor of that proposition.

Mr. Cross of Manchester—Mr. Chairman and Gentlemen: I may find it difficult in five minutes to say what I would like, but as a representative from the city of Manchester I deem it my duty to speak upon this question, and must do my duty as I see it.

I have listened to the remarks of the gentlemen who have previously spoken with great pleasure, but it seems to me they have forgotten some things. We are not here to establish a legislature for education; we are not here to give these men, John Smith and Jim Jones and others, a chance to go to the legislature; we are not here for any small thing of that kind. There is imposed upon us a duty to revise the Constitution so that the state may be represented in all its parts and in all its interests upon principles of equality.

state, subject to the approval of a governor appointed by the king. The town system as such is complete as a republic without its representatives to the general court, as much so as a state is complete without its power to elect representatives and senators to congress.

The representative, when elected, is not a mere agent of the town from which he is elected. It matters not whether elected from Bow, Croydon, or Manchester, he is a representative of his town to a certain extent, but in a broader and better sense he is the representative of the whole state and of all its interests. He takes the oath of office to support the Constitution and to act for the general welfare. If this be so, it matters not so much from what town or city the representative comes; the only important point is, is he honest, capable, and willing to act for the general welfare? If he cannot see beyond the boundaries of his own town and its interests, he is unfit to legislate.

This being the fact, as all intelligent men must admit, the important question is, How many men shall be selected, and upon what principle of equality shall the number be determined? A thousand men assembled to confer would constitute an unwieldy body; at times there would be outbreaks, and but little chance for calm reflection and conference. Five hundred men would be too many. Four hundred would be better, but according to the judgment of the people of every state in our Union, the house of representatives should not be composed of more than from 100 to 150 men. No matter what the population of the state, whether a hundred thousand or many millions, a legislative body composed of not more than 150 members is better than one of 400 members in this state. Men cannot confer and act calmly and dispassionately in an assembly of 1,000 or of 400. The legislation of this state has been largely, and I believe mainly, done through two or three committees of ten members each. The whole body merely ratifies or rejects the report of the committee, and often the whole body acts without knowledge, without consideration, and against the interests of their own constituents. As a matter of fact, four fifths of the members of our house of representatives have little or nothing to do with legislation. They become members for one session only; they take their turn, as it is said; they have no plan, no purpose, except possibly to gratify a small ambition of being a member of the legislature. The legislation of this state has been substantially done, so far as the house of representatives is concerned, by less than fifty men.

If this be so, of what use is it to argue that we should allow a representative body of 400 or more, merely as an educational institution? Schools, the study of government and its principles, observation, experience, and the business of life, have the educational value to fit a man to serve as the servant of the people, to make just and beneficent laws. The representative is a servant of the state; by accepting the office he thereby accepts it as a sacred trust, assuming that he has the knowledge, experience, and ability to serve the people for their best interests.



Many beautiful things have been said about the "little republics." What are the "little republics" in this state? The principle at the foundation of the town system was enunciated on board the *Mayflower*." From that time, along the waters of the sea, along the sides of the rivers, back in the hills and valleys, our fathers established the town system. The town system—not a system to send one or ten representatives to the legislature; but an organization, call it a "republic" or what you please, fully equipped with all the machinery, within limited boundaries, for self-government, consisting of officers such as moderator, selectmen, town clerk, treasurer, and other minor officers. This is the town system. The town system was not organized after our separation from Great Britain, and as a result of our Declaration of Independence, and the establishment of a nation free of itself to make laws and become what we claim, the only free republic of the world. Towns were organized substantially while we were under the rule of Great Britain as now. The town officers were the same as now. Delegates like our representatives were elected to a convention to enact laws for the whole state, subject to the approval of a governor appointed by the king. The town system as such is complete as a republic without its representatives to the general court, as much so as a state is complete without its power to elect representatives and senators to congress.

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tended to educate you in higher ideas of patriotism, more respect for political life, more confidence in the management of political affairs, or of interests corporate or individual? On the whole, good laws have been enacted in our state; but the struggle for political and commercial interests, the rivalry of men and parties, the work of interested men in the house and of the lobby outside, while they may have opened the eyes to some "things that are dark and tricks that are peculiar," yet, I submit, did not educate men to higher standards of patriotism and nobler deeds of kindness and charity. To become a member of the legislature seems to have been the dream of the gentleman from Acworth, for himself and his sons, as he has quietly followed his plow in that excellent and happy town. Well, this is at least a harmless dream; but, like most dreams, the reality will dispel the illusion, and show the dreamer that the members of the New Hampshire legislature

have been much like others who stayed at home and attended to their own farming and merchandise. And I really think that of the two, the man who attends to his own interests at home in the long run is the happier and better man.

I contend that the purpose of this state in voting for the Convention was to reduce the number of the house of representatives to such a number as, on the whole, would best be able to act soberly, carefully, and sagaciously in making laws for the state in years to come. Representatives are not chosen as if to a kindergarten or to a school; the representative is, or should be, sufficiently educated so that he may consider and act, in making laws, for the public good. The gentleman from Nashua suggests that in keeping the present system of representation we are following in the steps of our fathers who first established the Constitution. At the adoption of the first Constitution, we had a population of about 80,000, or one fifth of the present number. The population of the city of Manchester at present is only less than that of the whole state at that time by 20,000. At that time, most of the people were small farmers; legislation was simple and easily understood. Time has wrought wonderful changes. Then, a man of \$10,000 was considered rich; now, only the millionaire is rich; then, a few boats carried merchandise on the Merrimack river, and the produce of the farmers was carried in small quantities by the farmers themselves. The population of this state, if the change should continue for a few years as in the past, will be mainly in the cities.

At the time of the adoption of our first Constitution, and for many years after, legislation was limited to the needs of people born and reared in this state. They were alike in their business, their political and religious views. To-day a large part of our population have come from the ends of the earth: Germans, Irishmen, Italians, Jews, Chinese, Norwegians, Swedes, Turks, and others, all alike must be reckoned as fellow-citizens. Business has changed more than the population; and while formerly legislation concerned itself with the interests of a people engaged mainly in farming, to-

be entitled to a representative whether they live in the county of Coös or the city of Manchester.

Mr. Scott of Peterborough—I have but a few words more I desire to say upon this subject before the vote is taken, and I will endeavor to be as brief as possible. All will agree that there seems to be but two questions before this Convention—the question whether or not we will adopt the district system or we will retain the town system, and then the basis, if this Convention sees fit to retain the town system, upon which the proportion should be fixed.

Now, gentlemen, I have listened with a great deal of attention to all the discussion that has been had upon this matter. It seems to be the spirit of this Convention to retain the old town system, and that I think has been conceded by the friends who have presented the district system. It was said

that there should be some concessions on the part of all in order to establish anything that will be satisfactory to the people and that we can return to them and which they will approve.

I have tried to arrive at this matter on some lines that you know of. You know that the bill I introduced provided for 600 to elect the first representative and 3,000 for the second. The gentleman from Newport, Mr. Barton, had introduced a bill for 600 for the first representative and a 2,000 increase, which I had proposed to introduce myself. Upon his introducing that bill I introduced the bill I did. I have talked with the gentlemen from the city, and especially from Manchester, and they say, "If you retain this town system you must concede something to us in some way." I have said, "Gentlemen, what is the difficulty?" "The difficulty is the increase of 2,000. You take too many representatives from our city and some of the larger towns." It is no satisfactory answer to them to say that we take from some one town which now has two and under that system would have but one. I said to them, "Then if you are dissatisfied with the increase of 2,000 will you make it 1,800? If you will do so I will go to the country towns and advocate that the increase shall be made 1,800 instead of 2,000." Although some approved of that, thinking that the increase of 2,000 was too large, yet I felt satisfied that the gentlemen making that proposition would be willing to make the concession. Now does that concede anything. I have looked it over and found it does. It restores to Manchester two representatives; to Berlin one representative; and I find that it restores to the town of Claremont, which is hard hit by the increase of 2,000, one representative. It restores to the city of Nashua, in Ward Nine, one representative; it restores seven representatives in all. It increases the number of this house from 317 (which is the number upon the basis of 2,000 increase) to 324.

Now, gentlemen, I have not found in the discussion of this question from first to last that under any system it is deemed best to reduce this house to a figure very much below 300.

against the cities. I do not believe that. I believe that we are all here recognizing the principles of equality and justice. I believe that we are ready to treat our neighbor fairly and justly and come to a conclusion as near equality as possible.

I want to remind my distinguished friend, the gentleman from Ward Eight, Concord, Mr. Chandler, who represented Ward Five, Concord, in 1876 in the Constitutional Convention assembled, that he was one of the honored members from Ward Five, Concord, of that Convention, and he silently assented to what was done in that Convention, and has lived silently under the rule of equality established in that Convention since. I should also like to suggest that another distinguished and learned friend of mine from Ward Four of Concord, Senator Gallinger, made in the Convention of 1876 the motion which fixed the ratio at 600 for the first representative and 1,200 for the second. I ask why the gentleman from

Concord has changed in his position? Have the people of New Hampshire changed? No, gentlemen, they have not. Let us still preserve the principle of the old town system, at all events until the next Convention, and the people of the state will ratify what we have done here, and we shall be content under a house of representatives which will represent the people of New Hampshire and under a system which will continue at least a quarter of a century longer, until such time as the voters generally are ready and willing to adopt a system which is radically different from the present basis of representation.

Mr. Harmon of Effingham—I do not propose to argue or make a speech with reference to this matter. I am not a lawyer, nor the son of a lawyer, but when any countryman rises on this floor and opposes any motion that has been made, or any resolution that has been submitted, on the ground that the judges of New Hampshire are corruptible—those in whom we trust our liberty, our property, and our lives—as an American citizen and as a son of New Hampshire I emphatically repudiate it. I desire to place myself on record and to say that I have absolute trust in those we have chosen as judges of our supreme court. I believe they are incorruptible, and that our rights would be safe in their hands. I believe also, gentlemen, that all of you, or most of you, feel as I do. I confess that I could not be silent under such an insinuation.

Mr. Smith of New Hampton—I have made great effort to get this floor to say one word. I come from the little town of New Hampton and shall vote for the town system, but I do not wish to feel that I am voting for inequality. The question, to my mind, is this: Is it equality to establish our basis of representation upon the population or inhabitants of this state. I submit to you, gentlemen, is it in accordance with our principles of voting. The gentleman from Lancaster, Mr. Drew, I think it was, said that when he voted he voted for his family. A man with a family of ten represents that ten.



be it large or small, throughout the state, when he votes he represents that family, and the representation of his town or city is based upon the number of members in that family. I say that by that means the cities have an advantage over the country. There is a smaller proportion of voters in the cities than in the country with reference to the population.

The Chairman—The hour for the special order has arrived. The first question to come before the Committee in the order decided upon is this: "Shall the members of the house of representatives be elected under the district system?" and upon that question a division is called for.

A delegate—I would inquire what is to become of the motion of the gentleman from Tilton, Mr. Fellows.

The Chairman—The chair understands there are several

questions to be voted upon under the order, and as the chair has stated, this is the first.

The chair will state that all those who are in favor of electing representatives under the district system will vote "Yes," and those who are opposed will vote "No."

Upon division the chair declared that 135 gentlemen voted in the affirmative, and 245 voted in the negative, and the resolution did not prevail.

The Chairman—The next proposition which, under the order, comes before the Committee is this: "The house of representatives shall consist of ——— members," and the chair waits any motion for filling in the blank.

Mr. Sloan of Haverhill moved that the number of representatives be fixed at 100.

Mr. Shute of Wentworth moved that the number 327 be inserted in the blank.

Mr. Parker of Nashua moved that the house consist of 397 members.

Mr. Leach of Franklin moved that the words "not exceeding 300 members" be inserted in the blank.

Mr. Scott of Peterborough—I move that the house consist of 317 members, which is the precise number which would be given on the basis of 600 for the first and 2,000 for the increase.

The Chairman—In the absence of any motion to the contrary, the chair will take up these motions in the following order—the largest number to be voted upon first and then the next largest number, and so on until some number is fixed upon by a vote of the majority of the Committee.

The question being stated, "Shall the house of representa-

**Wentworth, the motion was declared lost on a division vote of 3 in the affirmative and 348 in the negative.**

The question being stated, "Shall the house of representatives consist of 317 members," as moved by Mr. Scott of Peterborough, the motion was declared lost on a division vote of 170 in the affirmative and 203 in the negative.

The question being stated, "Shall the house of representatives consist of a number not exceeding 300," as moved by Mr. Leach of Franklin, the motion prevailed by a division vote of 322 in the affirmative and 30 in the negative.

Mr. Leach of Franklin—To save time, I move that the house of representatives shall consist of not less than 300.

Mr. Colbath of Barnstead—I rise to a point of order. The-

point is, that we have voted on this proposition and have already fixed the number at 300.

Mr. Chandler of Concord—I do not understand how that motion can be put.

Mr. Leach of Franklin—As I understand it, there are several motions fixing the number at less than 300 and we would have to vote on each of them in order to decide whether or not they shall be adopted. This motion that I have made would avoid the necessity of voting on the others. I thought that it would save time if we took a vote upon my motion.

Mr. Stone of Andover—I would rise and make the inquiry whether if voting favorably on the motion of the gentleman from Franklin it would not in effect establish the district system.

The Chairman—That is a matter of mathematics which the gentlemen can figure out for themselves. The chair will not undertake to decide it.

Mr. Aldrich of Littleton—If this motion which has been suggested is voted upon I would say that the direct question arises whether the vote would not tie up the Committee and members to a certain number. I wish the gentleman from Franklin would withdraw his motion, and especially so as I understand that there is only one number more that has been mentioned below 300.

Mr. Leach of Franklin—On the understanding that there is only one motion for a smaller number, I will withdraw my motion.

The Chairman—The motion of the gentleman from Franklin is withdrawn, and the chair will state that the only proposition now before the Committee is that of the gentleman from Haverhill, Mr. Sloan, that the number of the house of representatives shall be fixed at 100 members.

The motion of the gentleman from Haverhill being first made, whether or not it should not be first voted upon. My suggestion is that a vote should first be taken on the motion of the gentleman from Haverhill, that being first made, then on the motion of the gentleman from Exeter, Mr. Fuller, which I believe is a practical and sensible one, for this reason, when the Convention has voted upon that, having already voted upon the 300 proposition the Convention will understand that the Committee has recommended something between the two.

The Chairman—The chair will state that he will be obliged to put the motion of the gentleman from Exeter, Mr. Fuller, unless he withdraws it at this time.

Mr. Fuller of Exeter—At the suggestion of the chair I withdraw the motion.

The question being stated, "Shall the house of representatives consist of 100 members," as moved by Mr. Sloan of Haverhill, the motion was declared lost on a division vote of 12 in the affirmative and 352 in the negative.

Mr. Fuller of Exeter renewed his motion that the house of representatives shall consist of not less than 280 members, and the question being stated, "Shall the house of representatives consist of not less than 280 members," as moved by Mr. Fuller of Exeter, the motion prevailed by a division vote of 322 in the affirmative and 26 in the negative.

The Chairman—The Committee, in the absence of other votes, will recommend to the Convention that the number of the house of representatives shall be fixed at a number not exceeding 300 and not less than 280. In the absence of any motion to the contrary, the chair will proceed to the consideration of the next question under the special order, which is, "The number of inhabitants required for the first representative under the town system shall be ———, and the number required for a second representative shall be ———."

Mr. Barton of Newport moved that the first blank shall be filled by inserting 600, and the second blank by inserting 2,000.

Mr. Wason of Nashua moved that the first blank be filled by inserting 900 and the second blank by inserting 1,800.

Mr. Pressler of Keene moved that the first blank be filled by inserting 800 and the second blank by inserting 1,600.

Mr. Starr of Manchester moved that the first blank be filled by inserting 1,000 and the second blank by inserting 2,000.

Mr. Sullivan of Manchester moved that the first blank be filled by inserting the number 800 and the second by inserting the number 2,000.

can be divided.

Mr. Chandler of Concord—With due deference to the intimation of the chair, I wish to say that it was not my impression that in filling the blanks it would be necessary to fill all the blanks in any one resolution at once.

The Chairman—The chair will read the resolution—"The number of inhabitants required for the first representative under the town system shall be ———, and the number required for a second representative shall be ———." It is all one sentence, and I do not see how it can be divided.

Mr. Chandler of Concord—I am very strongly of the opinion that there is no rule in any parliamentary body when there are blanks in any one resolution to be filled, that they should all be filled on one motion, or at one time.

The Chairman—If there is a motion made by the gentleman from Nashua, Mr. Clough, that the first number in the motions to fill the first blank be taken up to be voted upon first, the chair will entertain the motion and submit it to the Committee.

Mr. Clough of Nashua—I move that the votes be divided and the blanks filled separately; that the first number in the various motions be voted upon first for the purpose of filling the first blank, and the second number voted upon afterwards for the purpose of filling the second blank.

(The motion of Mr. Clough being stated, prevailed.)

Mr. Lambert of Manchester—I move that the largest number be taken up first.

The Chairman—In the absence of objections the chair will take them in that order.

The question being stated, "Shall the number of inhabitants required for the first representative, under the town system, be 1,370," as moved by Mr. Leach of Franklin, the motion was declared lost on a division vote of 46 in the affirmative and 301 in the negative.

The question being stated, "Shall the number of inhabitants required for the first representative, under the town system, be 1,000," as moved by Mr. Starr of Manchester and Mr. Fellows of Tilton, the motion was declared lost on a division vote of 54 in the affirmative and 296 in the negative.

The question being stated, "Shall the number of inhabitants required for the first representative, under the town system, be 900," as moved by Mr. Wason of Nashua, the motion was declared lost on a division vote of 69 in the affirmative and 293 in the negative.

Mr. Aldrich of Littleton—I desire to put a question to the



several representatives, will all be referred to a special committee or not?

The Chairman—That will depend on the action of the Convention. This Committee will make recommendation to the Convention and the Convention will take any action that it sees fit.

Mr. Sanders of Derry moved that the number of inhabitants for the first representative be fixed at 700.

The question being stated, "Shall the number of inhabitants required for the first representative, under the town system, be 800," as moved by Mr. Pressler of Keene and Mr. Sullivan of Manchester, the motion was declared lost on a division vote of 156 in the affirmative and 205 in the negative.

The question being stated, "Shall the number of inhabi-

tants required for the first representative, under the town system, be 700," as moved by Mr. Sanders of Derry, the motion was declared lost on a division vote of 122 in the affirmative and 204 in the negative.

The question being stated, "Shall the number of inhabitants required for the first representative, under the town system, be 600," as moved by Mr. Barton of Newport, the motion prevailed by a division vote of 223 in the affirmative and 131 in the negative.

The Chairman—In the absence of any motion, the chair will proceed to the consideration of the second number in the resolution. The proposition submitted to the Committee under the order is as follows: "The number of inhabitants required for the first representative under the town system shall be 600, and the number required for a second representative shall be ——." There are several propositions upon the number to be placed in the blank, and proceeding as we have done before, the proposition of the gentleman from Temple, Mr. Hadley, comes first, that the number required for the second representative shall be 2,500.

Mr. Hadley of Temple—I withdraw my motion that the number for a second representative shall be fixed at 2,500, and request that the number 2,000, offered by the gentleman from Manchester, Mr. Sullivan, shall prevail.

Mr. Lord of Manchester moved that the number be fixed at 1,200.

Mr. Pike of Haverhill—If it is in order, I move that we insert such number as will make the number of representatives in the house between 280 and 300, as has been voted.

Mr. Scott of Peterborough—I wish to make a motion that the number for a second representative be made 3,000, as that comes exactly. On the basis of 600 for the first repre-

**Mr. Sullivan of Manchester, the motion was declared lost on a division vote of 148 in the affirmative and 158 in the negative.**

The question being stated, "Shall the number of inhabitants required for a second representative, under the town system, be 1,800," as moved by Mr. Wason of Nashua, the motion was declared lost on a division vote of 154 in the affirmative and 176 in the negative.

A delegate—It seems to me that the Committee is at sea. We have already passed the number by which the house of representatives can consist of between 280 and 300, and any further voting upon the second number seems a waste of time.

The Chairman—That seems correct. Inasmuch as we have

established the number for the size of the house of representatives as between 280 and 300, I would say that we have already rejected propositions which will bring the house anywhere near that.

Mr. Chandler of Concord—I rise to a point of order. I object to debate either on the floor or from the chair. .

The Chairman—The chair rules that the point is well taken.

The question being stated, "Shall the number of inhabitants required for a second representative, under the town system, be 1,600," as moved by Mr. Pressler of Keene, the motion was declared lost on a division vote of 31 in the affirmative and 252 in the negative.

Mr. Leach of Franklin—I withdraw my motion that the second number be fixed at 1,370.

The Chairman—We now recur to the proposition of the gentleman from Manchester, Mr. Lord, that the number for the second representative be fixed at 1,200.

Mr. Aldrich of Littleton—I rise simply to ask the chair if this motion prevails if it does not leave us just where we started?

The Chairman—If it were not for the fear of indulging in debate, the chair would say that it did.

The question being stated, "Shall the number of inhabitants required for a second representative, under the town system, be 1,200," as moved by Mr. Lord of Manchester, the motion was declared lost on a division vote of 77 in the affirmative and 226 in the negative.

The question being stated, "Shall the number of inhabitants required for a second representative, under the town

(The President in the chair.)

Mr. Jones of Manchester, chairman of the Committee of the Whole, reported that the Committee had been in session, having had under consideration the subject of representation in the house of representatives, and had recommended to the Convention that the house of representatives be fixed at a number not exceeding 300 members nor less than 280 members; that the number of inhabitants required for the first representative shall be 600 and the number required for a second representative shall be such a number as will provide a house of representatives of not less than 280 members nor more than 300, and further recommend that the whole subject of representation be referred to the Committee on the Legislative Department.

The question being stated, "Shall the recommendation of

the chairman of the Committee of the Whole that the whole subject of representation be referred to the Committee on the Legislative Department with the recommendations of the Committee," be adopted, the affirmative prevailed on a *viva voce* vote.

Mr. Chandler of Concord—I ask unanimous consent that any pairs that have existed with reference to the preceding votes may be handed to the presiding officer and entered upon the record. I ask this because the gentleman from Bedford, Mr. Woodbury, was very anxious to vote, but was not able to be present and was paired.

The President—The chair will state that nothing can go upon the record of the Convention except what transpires in the Convention. The votes were taken in the Committee of the Whole. The chair will not order record of pairs to be placed on the record except by vote of the Convention, but the chair will entertain a motion.

Mr. Chandler of Concord—I will modify my suggestion. I ask to have it appear that the gentleman from Bedford, Mr. Woodbury, was detained by business which he could not avoid, and was paired.

Upon motion of Mr. Jones of Manchester, the Convention took a recess until three o'clock.

(Recess.)

Upon reassembling, leave was granted the Committee on Mileage to sit during the afternoon.

Mr. McAllister of Manchester offered the following resolution:

*Resolved*, That Nelson W. Paige of Ward Ten, Manchester, be allowed and paid from the appropriation for this Convention the sum of \$20 for expenses incurred in defending his right to his seat as a delegate in this Convention.

**Mr. Thompson of Warner**—I ask for the special order upon woman's suffrage, which was made a special order for eleven o'clock this forenoon.

The President—The chair will say to the gentleman from Warner, Mr. Thompson, that the resolution offered by the gentleman from Concord, Mr. Chandler, on the subject of trusts was made the special order for Tuesday at eleven o'clock, and by the suggestion of Mr. Chandler with unanimous consent, that particular special order was made subject to the order with reference to the consideration of the resolutions relating to representation, and the chair thinks that the parliamentary situation is such that the trust subject having yielded to the other, would come in as a special order in the place of the suffrage amendment which was made a special order for this forenoon; but it may be that the gentle-

man from Warner and the gentleman from Concord by a short conference could arrange the matter in a way satisfactory to both.

Mr. Chandler of Concord—If I could be sure that the discussion on the question of woman's suffrage would not take a long time, personally I should be willing to waive a prior consideration on the resolution against trusts. But I feel in justice to myself and to other parties who desire to speak upon this subject, that it is my duty to insist upon the question of trusts being taken up and proceeded with this afternoon.

Mr. Thompson of Warner—Mr. President, by arrangement with the gentleman from Concord, Mr. Chandler, I would say that I do not understand that it is the intention of this Convention to discuss the question of woman's suffrage at any great length, and I would therefore move that the discussion of that question be limited to half an hour, and that at the end of that time the matter shall come up for vote.

The motion of Mr. Thompson of Warner is stated by the chair.

Upon amendment offered by Mr. Pike of Haverhill, that the speeches on the subject be limited to five minutes, which amendment was accepted by Mr. Thompson of Warner, the motion was put by the chair and was carried.

Mr. Aldrich of Littleton—I am satisfied that this question relating to the rights of woman's suffrage should not drift through this Convention. I am also satisfied that the proposition would be voted down if submitted to the Convention on a thirty-minute discussion. In order that the interests which present this question for our consideration should not be left altogether without a remedy, I offer the following amendment to the resolution submitted by the gentleman from Warner.

The President—The chair is obliged to rule that the amendment is too late unless the other motion is reconsidered.



**The Chairman—Gentlemen of the Committee, we are ready to proceed with the discussion of the resolution that was before the Convention which the clerk will read.**

**(Clerk reads resolution of Mr. Thompson of Warner.)**

**Mr. Thompson of Warner—Mr. President and Gentlemen of the Convention: It is proper for me to say something at this time if I have the courage of my convictions. I regret that some more distinguished member of this Convention is not occupying the position of mover of this important resolution. I owe it to this Convention to tell why I presented to this body the memorial of the officers of the Woman's Suffrage association of New Hampshire. In common with you all, I received, prior to this Convention, a circular letter asking if I believed in the enfranchisement of women. I answered yes, and hastily and without thought of the consequences I added this: "Forty years ago I joined the Union**

army and served three years that the slaves might be free—four years ago I volunteered to help free the Cubans from the tyranny of Spain and served a year, and I am ready now as a delegate to the Constitutional Convention to help free the women of New Hampshire from the injustice of taxation without representation and that they shall no longer be classed with idiots, the criminal, and the pauper.” The officers of the Woman’s Suffrage association of New Hampshire, believing I was honest in this statement, came to this hall last week, and though I was a stranger to them asked my assistance. Had I, fearing ridicule or ancient prejudice, refused it, I should be despicable; should I now withhold my support I should be a coward, and no man worthy to wear this button of the Grand Army of the Republic could do any less than I am doing to-day, when I go out upon this skirmish line, trusting that a majority of this Convention will support me in asking that this proposed amendment to article twenty-seven, part second, of the Constitution, which will, if ratified, enfranchise the women of New Hampshire, be submitted to the legal voters of this state for their action.

I believe in the enfranchisement of women because it is right, because it is equitable and just. Taxation without representation is tyranny, and the largest contingent at Bunker Hill came from New Hampshire and there sealed that proposition with their blood.

For days we have listened to dissertations and learned orations on equality, and times without number we have had quoted to us from article nine, “There shall be in the legislature of the state a representation of the people founded on the principles of equality.” In the town of Warner, where I reside, we have a village precinct; in that precinct there are 101 homes or homesteads. Fifty-three of these homesteads are owned by women, and forty-eight are owned by men; the minority vote and have representation; the majority cannot vote and have no representation, except as they are counted with children and other non-voting creatures. Is this equality? Where did the men of New Hampshire learn equality?

rade sitting here, who, forty years ago, come next Saturday, the memorable 13th day of December, 1862, marched with the Eleventh regiment of New Hampshire Volunteers across the pontoon bridge at Fredericksburg into one of the bloodiest battles of the Civil war. I refer to my old comrade, the Hon. James F. Briggs of Manchester. As I have looked into the face of that profound orator and gallant soldier, Col. Henry O. Kent of Lancaster, and have noticed here from day to day the many men who wear the button of the Grand Army, I have learned anew the old lesson, often conned, that freedom, justice, and equal rights are the most beneficent principles to live for, and, if necessary, to die for. Many made the supreme sacrifice in those old days, emphasizing as nothing else can the value of our institutions.

I have been glad to sit near the Hon. Cyrus H. Little of Manchester, not because he ranks at the head of the younger generation as an orator and statesman, but because of old

association with his gallant father, who was an officer of the regiment to which I had the honor to belong and who laid down his life on the field of battle that this nation might live.

A large number of men and women of this state ask at your hands the privilege of having submitted to the voters of this state an amendment looking to the enfranchisement of women. That I believe in it may not influence anyone, but I ask your attention to a few authorities. That great scholar, statesman, and patriot, who ten days ago was a living entity, and who lies now in the embrace of mother earth in the state he loved so well, the Hon. Thomas B. Reed, had only kindly words for the enfranchisement of women. In a circular sent to every member of this Convention we find noble words endorsing woman suffrage from such men as the Hon. James O. Lyford, ex-Senator Henry W. Blair, the Hon. H. H. Metcalf, lecturer of the New Hampshire State Grange, the Rev. Charles S. Murkland, president of our agricultural college, the Hon. Henry F. Hollis of Concord, the Hon. Sherman E. Burroughs of Manchester, Dr. Klock, principal of the State Normal school, Col. Henry B. Quinby of Lakeport, the Rev. Dr. Daniel C. Roberts of Concord, and many others. Where in New Hampshire can you find safer leaders of public thought and action? One more New Hampshire man who endorsed woman suffrage is he who next month the great Republican party of New Hampshire will unanimously elect for his third term in the United States Senate, that statesman and true friend of every best interest of New Hampshire, the Hon. Jacob H. Gallinger, our senior senator. One other distinguished advocate of the enfranchisement of women, who, in his writings and public speeches and from high official station, has spoken in no uncertain tongue, is he who, as police commissioner of the great city of New York and as governor of that great state, did so much to raise political thought to a higher level; he who in those days when Cuba reached out her hands, supplicating our aid, left his luxurious quarters in the navy department at Washington and gallantly led his regiment of Rough Riders at San Juan hill; he believes in equal-

come up. I believe every woman of proper age has a sacred right to vote, has as good a right to vote as you or I, sir, and we have no right to deprive her of it. She stands to-day in the category of the minor, the pauper, the idiot, and others that for some reason are deprived of suffrage. I do not wish my wife, who in all respects is my equal, to stand and be classified in such a category as that. I desire her to be represented and to be able to express her own views on subjects of interest to her. I desire my sisters, who are in all respects my equal, should have the same right to vote upon any question that may come up.

We have had a great deal of talk on the subject of equality and justice, and that we should try to get some system of representation on the basis of equality and justice. I listened yesterday with a great deal of pleasure to the eloquent remarks of the gentleman from Lancaster, Mr. Drew. His statement of equality and justice was ably and well put. But

I was sorry when he departed from that principle in disclaiming his adherence to the principles of woman's suffrage, and saying that he was not in favor of allowing women to vote. I would like to ask that gentleman's wife, and his sisters if he has them, what their view would be in regard to his representing them.

We have had a good demonstration here in this Convention of the ladies' ability to act for themselves. They have been before us, and they have given their reason for asking suffrage much better than I could do it. They have come before us in person and demonstrated that we should treat them with the same equity and justice that we demand for ourselves. They have come before us to the number of 2,600 in a petition which the president of the Woman's Suffrage association presented, asking for this thing. Shall we deny them that right or shall we give it to them.

Mr. Pike of Haverhill—Mr. Chairman and Gentlemen of the Convention: I believe this question much more important than any other question that has come before the Convention,—that we give the rights to women that belong to them—equal rights with men. Cannot we trust our mothers and wives and sisters and daughters? Who gave us our first instruction in matters of right and importance? Was it not our mothers? Who have been our guides, our balance wheels, and upon whose judgment we have depended and acted when we were not sure of our own? Has it not been our wives? Cannot we trust our sisters and daughters?

I have heard some gentlemen in the Convention say that their wives and daughters do not want to vote. This may be true in some rare cases, but I believe that the majority of the women in this state will vote, and vote right, if they have the chance. I believe that they will make better students of politics, that they will go deeper into the matter, and that their intuitive sense of right will give them a clear understanding, so they will not only vote, and vote right, but their influence over the men will be in the right direction.

But supposing the wife of some gentleman here does not

**lery have equal rights with us?**

A resolution has been offered in this Convention to leave God out of the Constitution. Leave God out of the Constitution! Gentlemen, let us put God into it—into every section and every article—and then let us put women into it, our mothers, our wives, our sisters, our daughters, and our sweethearts. Then we can go home and meet their smiling approval, and I believe that if we do nothing else but give to the women of this state the right of suffrage, we will have accomplished more for our beloved commonwealth than we could accomplish in any other way.

Mr. Fellows of Tilton—I would like to ask the gentleman from Warner where there is anything in the Constitution to prevent the legislature from giving women the right to vote when the legislature is satisfied that she should have it.

Mr. Thompson of Warner—Article twenty-seven, part two, of the Constitution.

Mr. Pillsbury of Londonderry—Mr. Chairman and Gentlemen of the Committee: I yield to no man in my respect and admiration for women; I yield to no man in the enjoyment I experienced in listening to the eloquent words of the ladies who addressed us upon this subject the other evening. I do not believe the people of New Hampshire have voiced any demand for woman's suffrage; I do not believe that the people of this state want anything of that sort when they get but 2,600 signers out of 411,000 people.

I do not believe that woman is going to be placed in any more advantageous position, or have any more influence when dragged from the high pedestal she now occupies and placed in the arena of political warfare with men. I do not believe that woman cares to vote. I do not believe that in the state of Colorado the women would vote to have woman's suffrage extended a second time, in view of some experiences in that direction that they have had. I know a woman, raised in New Hampshire, the daughter of a Presbyterian minister, who now lives in Colorado, who when visiting here said that she would never go to the polls again, and that was the position taken by most of the respectable women in the city of Denver.

It has been well expressed that, "The hand that rocks the cradle rules the world." It was true when it was said, it is true now, and it is truer than it will be if you give women the vote and send them down to dispute with men.

Napoleon, the great general, at one time, it is said, when asked by Mme. de Staël who was the greatest woman, replied, "She who is the mother of the largest family."

Do you believe that woman's suffrage will help to build up the homes in New Hampshire? Do you believe that it will make better mothers? Is not the home what we are trying to build up? Is it not necessary that we should have woman at home to bear the children and then raise those children in the years to come? The old countrywoman, the woman whom you and I remember, called "Auntie" by everybody, who lived in the country towns and extended her hands to every one in affliction, who officiated at birth, and who assisted at death,



tleman on the floor has time, or will have time, to answer the arguments made before this body by those ladies. They are simply unanswerable.

We are discussing a different question from that in which we have been engaged during the days past. In this question there is no politics. It is simply a question of equity and of right. Is is simply a question of whether we shall change our organic law so as to have new elements in our political organization. I wish to remind you that all life, animal and vegetable, depends upon the ability of the organization to acquire new blood and new growth--new elements. The moment any vegetable or any animal ceases to take on new elements, new blood and tissue, that moment it begins to die. That is a natural law, and it is the law not only with the animal and vegetable kingdom, but it is the law with reference to political bodies.

I know that there is a prejudice that keeps us a great many times from entering upon anything that is new, and it is this, it seems to me, that lies at the root of the whole matter. There is a prejudice against taking on something new, and there is a feeling in favor of continuing in the old paths. That is the feeling, perhaps, of nine out of ten of this Convention. But let me remind you, gentlemen, that principle of action is what has kept poor, old, decrepit China dragging at the wheels of progress for centuries past, and it is because that principle was discarded by little Japan that she has taken her position so famous in the world. Just think of the little island kingdom, having only about forty million inhabitants, and how she has humbled the great empire of China, containing almost one fourth of the population of the globe. The conditions which enabled Japan to do this were brought about simply by the fact that Japan has gone out of the old beaten paths and taken on new life.

This Convention can honor itself no more than by saying to the women of the state, "Yes, you can submit this question to the people; you can go throughout the length and breadth of the state and advocate your cause, and we will leave it to the people." Is not that fair? There can be no harm in that. If four tenths of the people of the state vote against it there is no harm done by submitting it to them for their decision. Let us meet this request of the ladies in the spirit of courtesy and honor and justice, and allow this question to be submitted to the people of New Hampshire.

Mr. Dudley of Concord—If the time has not already expired I want to say just one word. I do not propose to advocate all the merits of this measure. That matter has been more clearly stated to the members of this Committee by the ladies who addressed us the other evening than is possible for me to do.

The principal objection—the only objection—that seems to be raised here against submitting this question to the people is that the people do not want it, that the ladies of this state do

the question is voted upon it may be straightened out, and with the consent of the house I will recognize the gentleman from Littleton, Mr. Aldrich.

Mr. Aldrich of Littleton—I renew the motion that I made in the Convention to amend the resolution of the gentleman from Warner, Mr. Thompson.

The Chairman—The gentleman from Warner, Mr. Thompson, moves to amend the Constitution as follows: “*Resolved*, That the word ‘male’ be stricken out of article twenty-seven of the Constitution,” and Mr. Aldrich of Littleton presents as an amendment the following, which the clerk will read.

Clerk reads as follows:

“The legislature is authorized to submit to the people the question whether suffrage shall be conferred upon women, and

whenever, upon such submission, two thirds of the legal voters and two thirds of the native born and naturalized women of the state above twenty-one years of age shall have voted in the affirmative upon such question, then any subsequent legislature may confer full suffrage upon women."

The Chairman—The chair rules that this be regarded and presented in the way of an amendment. If there is any error in this ruling it can be rectified by the committee.

Mr. Aldrich of Littleton—I will say, Mr. Chairman, that I agree entirely with the remarks of some of the gentlemen, that this proposition is one of the most important questions to be submitted to this Convention. It must be understood that if this Convention votes affirmatively upon this question, it passes its judgment to the world that it is in favor of woman's suffrage. I do not think that such a question as that should be disposed of upon thirty minutes' debate; I do not think that any gentleman has a right, by arrangement with another, to estop this Convention by limiting debate to thirty minutes. I am opposed to it. I do not propose to express my position on the main proposition as it stands in five minutes, or anywhere near it. I *do* think that the question should be discussed fairly, and if it is the sense of this Convention, without giving its endorsement to the proposition of woman's suffrage as a whole, to allow it to be voted upon by the voters of New Hampshire, or by the voters and the women of New Hampshire, the plan I have suggested, or one similar to it, should be the one adopted. It gives the opportunity for the women to vote upon the question; it is fair to this Convention, and fair to the women of the state.

I move that the time for debate upon this question be extended one hour.

Mr. Chandler of Concord—I made no arrangement with anybody about half an hour's debate. I assented to the idea presented by the presiding officer of this Convention, that the gentleman from Warner, Mr. Thompson, should make the

in the country towns avail themselves of this privilege. That does not look as if women were anxious to vote.

A man said here that it was no argument that they did not want to vote. I would like to know why it is not an argument.

I know that several years ago the women of New York petitioned to the assembly of New York for suffrage, and such petition was circulated, so the *New York Tribune* said (which I think is good authority), but it did not get a large proportion of the women of the state to sign it.

I undertake to say there is no demand in this state by fifty per cent. of the women for any woman's suffrage amendment to our Constitution. I have n't the least doubt about it, although I cannot prove it. The women of this state have now plenty of money, plenty of leisure, and it goes without saying that they can hold office although they cannot vote, and we

are quite willing that they should have the opportunity to serve their country in that direction.

Would it not be wise to go slow. The ladies the other night spoke eloquently, and I heard considerable of what they said. Their arguments were good enough, but I think it is a greater argument against the proposition that the women do not want the right of suffrage. I know quite a number of women who are quite capable and enlightened enough to exercise the right of suffrage as well as the majority of men, but they do not want it, and I see no reason for forcing it upon them.

Mr. Fuller of Exeter—I do not know whether it is wise or not—I have not asked my wife, but shall later.

The gentleman who has just addressed us has spoken of the lack of effect produced by conferring upon woman the right to vote in school affairs. I have not lived in Nelson, but have in Exeter. The women of Exeter do not exercise the right to vote in school affairs at all times, but they do semi-occasionally, and when they do it has a most excellent effect. Whenever they have exercised the right conferred upon them the effect has been good for them and for the whole community.

Mr. Niles of Concord—I am unable to share in the positiveness of the gentlemen on either side of this question as to whether the women of the state do or do not want woman suffrage. My position as to what is best under the circumstances is also a position of doubt. I shall vote for submitting this in some way to the people, because I am not satisfied it is wrong. On any question where I was satisfied one way or the other, I should vote as I thought was right, but not being satisfied in this case I shall vote for submitting the question to the popular vote. But I think the proposition advanced by the gentleman from Littleton, Mr. Aldrich, should be adopted.

As far as my acquaintance goes, as far as I have conferred and talked with the women of my acquaintance about this matter, I have found that they would be practically unani-

pillars of our civic structure should slide through this Convention on grounds of chivalry with a five-minute limitation upon members desiring to state the reasons for their action upon so important a measure. If I am in opposition to the proposition to strike the word "male" from the Constitution it is not because I deem women as a class less intelligent than men, nor is it because I deem the sphere of woman less important than that of man. I accord to no man a higher appreciation of womanhood than I hold myself. My belief is that the sphere of woman in the world is just as important as that of man. The function of woman in working out the destinies of the home, the destinies of the state, and the destinies of the nation, is quite as important and more exalted than that of man. Man receives his inspiration from woman, and he governs his actions by the judgment of woman, as he finds it in the home. I doubt whether the function of woman would be as important in the affairs of life and the affairs of

the nation if she were thrust into the tumultuous turmoils incident to the town-meetings and the ward meetings. I doubt if the world would get along as well as it is doing now if the position of women in respect to the home and to voting were changed. Woman's sphere is not to walk elbow to elbow with man into the strife and the tumultuous turmoils of the town-meetings and the wars! Man's inspiration, pride, and action largely depend upon his respect and appreciation of woman. I doubt very seriously whether man's chivalric appreciation of the inspiring and beautifying influence of womanhood will remain through many generations if woman shall relinquish her exalted position—her supreme point of vantage—and come down into the struggles of the country and city voting places. It will lower the woman and antagonize rather than elevate the man. It would disturb the serene security of motherhood, and no insistence upon the idea of the abstract right of women to vote can compensate for such a loss as that. It must be remembered that conferring the right to vote imposes the duty. If bad women exercise the right to vote, all women must, or the equilibrium in voting will be wholly lost.

I shall not say anything more upon this question, but I ask the attention of the Convention to a few paragraphs from the address of a very distinguished and a venerable man who sat in this hall for many years. He was one of the grandest men I ever knew, one of the most tolerant, one of the most learned and philosophical. I refer to the late lamented Harry Bingham. His respect for motherhood and the home was sublime. I remember hearing him say that great nations were impossible without great men, and that great men are possible only where great and good mothers preside over the childhood and the home. The address to which I refer was delivered before the Grafton Bar association a few years ago, and I ask the clerk to read the paragraphs which I have marked, and I make them a part of my remarks upon this question.

The clerk read as follows:



would be congenial to herself and tend to promote human progress. The class of women (to whom allusion has been made already as of no account) prancing along on the divisional line that society has fixed between the sexes as to manners and costume, putting on mannish airs, garments, and headgear, and exhibiting only faint traces of what would indicate the sex to which they belong, are extremely urgent and vociferous in their demands for the ballot. Although it must be admitted that there are some women and perhaps some men of character endowed with large intellectual powers, who sincerely believe that the whole domain of politics and government ought to be thrown open to women the same as it is to men, that women ought to have universal suffrage and be eligible to all the offices in all departments of the government, and to all positions in every branch of business; yet much the larger part of the sober-minded, sensible women do not regard it as their duty to seek such an extended opening

for female action. On the contrary, they denounce the idea and say that it calls upon them to do what does not belong to them to do according to the natural and proper division of work between the sexes, and that they might just as well be called upon to carry the musket or dig ditches.

The propriety and rightfulness of thrusting upon women all the turmoil, uproar, and unseemly strife that the carrying out of such an idea would involve is certainly very doubtful. It would not enable her to use her natural and legitimate influence to any better advantage. On the contrary, it would place her in an unnatural position and where she would not feel at home, and thus she would be compelled to exercise her wholesome and necessary influence at a disadvantage. Her influence to be effective and useful must operate through the natural channels of female influence and in accordance with the laws of her being. The suggestion that we ought to wait until the human race is further advanced in light and civilization before we thrust upon woman the responsibility of the ballot fully extended, and of running the government in all its branches, is certainly reasonable. The intimate association of woman with children and youth, the deep interest she feels in their welfare, and her special responsibility for them, have caused everybody to agree that she ought to have a potential voice in their training and education. In accordance with this general popular assent, a movement was inaugurated some time ago by which women have been made competent voters in school meetings, and eligible to the offices which have the management and control of the schools.

Certain Rocky Mountain states and other Western states have imposed upon their women the responsibility of the ballot, and of taking an equal part with the men in administering the government in all its branches. This movement must be regarded as simply tentative and experimental. We shall do well if we watch it long enough to be satisfied as to its character. We shall then be able to draw inferences that may aid us in determining what we ought to do. It will no doubt be a good disposition of this question if we

race require her to assume those responsibilities, in the interest of harmony between the sexes which must be preserved, it will then be necessary to inaugurate and try the experiment without delay.

In settling this question and all other questions as to the position each sex ought to occupy in society, let it always be remembered that man and woman are partners in the business of maintaining and improving the human race; that their joint obligation to contribute to the progress of the race will continue until mankind have advanced in knowledge, virtue, and goodness as near to Divinity itself as the lot of humanity will permit.

Mr. Baker of Bow—I do not rise to enter into any discussion of the merits of this proposition. I have just a few incidental remarks to make, and it seems to me that the first and

most obvious one is that the resolution which has been presented by the gentleman from Littleton, Mr. Aldrich, is not favorable to the subject under consideration, and those who are in favor of the submission of the question of female suffrage to the people of New Hampshire should vote against his proposition.

It was stated by the gentleman from Nelson, Mr. Osgood, that the women do not vote at the school meeting, and he thinks that is a sufficient argument why a further suffrage should not be presented to them. I would like to ask the gentlemen here present, who of them if they had a right to vote in school meetings only would attend those meetings. I venture to say that the proportion of men voters attending the meeting would be as small as that of women voters now.

This is an open proposition, and it is an occasion on which we all ought to be fair and chivalrous. We are not met here with the proposition that we are to determine the question of female suffrage at this time. If we vote to submit this proposition to the people that they may vote upon it, it does not necessarily follow that we are in favor of woman's suffrage.

Mr. Aldrich of Littleton—If we vote to strike the word "male" from the Constitution, do we not submit the question to the people with the approval of this Convention? Do you not understand that every gentleman is bound to vote upon this question as he thinks the question should be finally determined?

Mr. Baker of Bow—Unquestionably as he thinks the question should be voted upon here, and I believe and hope that there are many men in this hall who are chivalrous enough to think that this question ought to be submitted to the people even though they are not necessarily in favor of woman's suffrage.

Now, gentlemen, the ladies have come to us in respectable numbers and with arguments which none of us have attempted to dispute and asked of us, not that we shall give

equal rights and privileges, we meet exactly on even terms, but the ladies have not the privilege to come here and discuss these questions with us, and I believe in giving them a chance to submit their arguments and their cause to the people of New Hampshire. Why in the name of common fairness and common decency should we not give them a chance to do this.

Mr. Aldrich of Littleton—Mr. Chairman, I do not want to be outdone by the gallant gentleman from Bow, Mr. Baker, in chivalric devotion to the fair sex. I have a wife and a daughter, and they are both opposed to this proposition, and I am bound in making up my judgment to consider the sanctity of the home. Everybody is bound to do that. Now, in voting upon my judgment, I vote against the unqualified declaration to strike the word "male" from the Constitution, because, if the proposition prevails, the impression will go out to the world that this Convention, voting upon its judgment.

has declared in favor of woman suffrage. Now, then, voting upon my judgment I should vote against the main proposition, but as a matter of chivalry I will vote to submit this question to the male voters of New Hampshire, if the sense of the women of New Hampshire can also be taken. I say there never was a fairer suggestion than the one involved in the amendment proposed by me here.

Mr. Baker of Bow—Will the gentleman from Littleton permit me a question? Will he tell us how that can be? There are no check-lists, and there is no arrangement by which a vote can be taken by the women on this subject.

Mr. Aldrich of Littleton—It is perfectly easy. The next legislature, or any legislature whenever public sentiment is ripe for it, can devise the means for submitting the question to the people of New Hampshire. If there is merit in this question the gentleman ought to be willing to let it go to both the women and the men of New Hampshire, rather than to ask men who are opposed to this question on their judgment to vote against their conscience and submit the proposition to the people upon grounds of chivalry.

Mr. Baker of Bow—The proposition of the gentleman amounts simply to this—we are willing to transfer to the legislature the responsibilities which our position puts upon us. I believe that we should meet this question fairly and squarely here, because we have the opportunity and the duty to do it.

Mr. Folsom of Dover—It seems to me that the statement of the gentleman from Nelson, Mr. Osgood, that there are few women that go to the school meetings is as good an argument for the disfranchising of the men of the state as it is for not enfranchising the women. I think every man here who is from a town in which district school meetings are held knows that occasions arise when but few men go to the school meeting. I believe there are men within the sound of my voice

law, and they all said vote "No," but I am going to vote "Yes." I am going to vote "yes" because I believe in submitting the question to the people, and when I get ready to go to the polls if they are still of the opinion that I ought to vote "No," I shall probably vote "No." I suppose if the women of the state want the right to vote they will advise the men of the state to vote "Yes," and the men will vote "Yes." I believe, in time, when the women of the state want to vote, they will be given an opportunity to express their opinions and they will express them that way, and I also believe that when men have an opportunity to vote on the question they will vote as the women want.

Mr. Pillsbury of Londonderry—I would like to ask a question of the gentleman from Dover in relation to the men not appearing at the school meetings. In most of the country

towns, surely in the towns in which I am acquainted, the appropriations for the school are raised in the town-meetings, and that is where the men's greatest interest centers—where they raise their appropriations. The school committee are usually there, and they tell them how much money they want to carry on the school, and it does not seem necessary for them simply for the purpose of electing a school committee—an affair which is all cut and dried—to attend the school meetings. I think that is a fair explanation why the men do not take a greater interest in the school meetings about which there has been more or less criticism here.

Mr. Starr of Manchester—Mr. Chairman and Gentlemen: It is a great pleasure to me, as I imagine it must be to every member in this Convention, to know that there is one member here who is not afraid of his mother-in-law. I hold in my hand a little pamphlet which was sent me to-day, and which so much better expresses my views in regard to this question that I am going to read a very small portion of it.

The suffragists claim the franchise for women on the following grounds:

First, That the right to vote is a natural and inherent one, of which they are deprived.

Second, That women are taxed but not represented, contrary to the principles of free government.

As to the justice of their claim to an inherent, natural right of which they are deprived, we answer that the right of suffrage is not inherent or inalienable. In all political history there is not one phrase which could be construed into meaning that men have the right of suffrage because they are human beings. Society does not exist by the consent of those who enter it. Our government was established long before the present generation existed; so the consent of the governed must be taken for granted (except as changes are made by constitutional methods) until a rebellion arises.

Suffrage cannot be the right of the individual, because it does not exist for the benefit of the individual, but for the



**tire lack of understanding of the theories of taxation and suffrage, and prove that they, at least, are not yet ready to enter intelligently into politics. We have founded our government on manhood suffrage, not because our male citizens own more or less property, or any property at all, but because they are men; because behind the law must be the power of enforcing it. Without sufficient force to compel respect and observance, laws would be dead letters. To make laws that cannot be enforced, is to bring a government into ridicule and contempt, and invite anarchy! The insuperable objection to woman suffrage is fundamental and functional, and nature alone is responsible for it, since she has created man combatant and woman non-combatant.**

The reason we have adopted as the basis of our political system that the will of the majority must prevail over that of the minority, is that we recognize the fact that the majority can, if the minority rebel, compel them to acquiescence. There-

fore, suffrage has been given to men, because they can back laws by force enough to compel respect and observance. It becomes thus a duty to be performed, not a privilege to be enjoyed, and women are exempt because of what it would entail; their present position in the state, as its mothers and educators of future citizens, being held as more than equivalent to any political service.

The duty of voting is in no sense dependent—in this state at least—upon the fact that the voter pays taxes or owns property. A man who has no property has the same voice in voting as the millionaire. Property of a town, city, or state is justly liable for the current expenses of the government which protects such property, and thus increases and preserves its value. The only question the law asks is: Is there property? If so, it imposes a tax. The laws of taxation are general, and not particular, taxation being simply a compensation to the government for protection of property, that such property may have value. Woman's property receives exactly the same protection as man's and she benefits as much thereby; there is therefore no injustice to her.

Mr. Woolson of Lisbon—Although I have not consulted my wife and mother-in-law, and do not know what their wishes are on this question, I shall vote in favor of the proposition of the gentleman from Warner, Mr. Thompson.

Mr. Lamprey of Concord—I hastened through my former remarks because I thought the vote would have to be taken immediately. I wish but a moment longer. I wish to answer the objection raised by the gentleman from Londonderry, Mr. Pillsbury. Napoleon said to Mme. de Staël, "I consider that woman the greatest woman in the land who is the mother of a large family." It was perfectly natural for a man like Napoleon to make that remark. He wanted soldiers, he wanted men to stand up and be killed. It was all right for him to make that remark, but it would seem to have no authority in the present stage of our civilization.

is recorded in history that when the Bastile was broken down and the cells were entered there were prisoners chained there, and there was one old man who was let out of the prison and begged to be taken back again. He had been there so long that he had lost the sense of freedom. The women have been under subjection to the men so long that perhaps a majority of them have lost a proper sense of their individual rights, but that is nothing to me.

Mr. Eastman of Exeter—I did not propose to say anything on this question. I had made up my mind to vote in favor of the proposition in some way, and when the amendment was presented by the gentleman from Littleton, Mr. Aldrich, it struck me favorably. It seems there is some objection to it on the ground that it requires the vote of the women in order to make it of binding force. It probably does not make much difference to the gentleman who proposed the amendment

whether the women vote upon it or not, and I rise to suggest that the gentleman from Littleton, Mr. Aldrich, withdraw that portion of his amendment which seems to be objectionable.

Mr. Aldrich of Littleton—I am being drawn into this delicate situation deeper than I intended. I want it distinctly understood that my judgment as a man is against the proposition to strike the word “male” from the Constitution. I think it fair, however, to the women that they should have this question go to the people. I supposed it would be fair to them to have it go to their own sex as well as to the men, and I believe it is a matter altogether within the function of the legislature to determine the method in which it should be submitted to the people. If there is any earthly objection to allowing the women to vote upon the proposition, I withdraw that and am willing that what is said about referring it to the women be stricken from the resolution I have proposed.

Mr. Jones of Manchester—I would like to have the amendment as it will be after the part withdrawn is stricken out read so that we may all know what we are voting upon.

(Clerk reads the amendment as amended.)

Mr. Lyford of Concord—I desire to ask the gentleman from Littleton if it is his purpose to get two thirds of all the legal voters of the state or two thirds of those voting, and also what objection is there, he having been gracious enough to withdraw that part of his amendment that seemed to be offensive—what objection is there why he is not willing to withdraw the entire amendment and let the vote come entirely on the proposition submitted by the gentleman from Warner, Mr. Thompson?

The Chairman—The gentleman from Concord asks a question of the gentleman from Littleton, Mr. Aldrich.

Mr. Aldrich—Here it is again, Mr. Chairman. I have stated

Mr. Lyford of Concord—I am opposed to the question being put in the manner in which it is put by the gentleman from Littleton. I propose to vote upon the direct question to submit this matter to the people. On that question I shall vote “Yes.”

The motion of Mr. Aldrich of Littleton, to amend the resolution of Mr. Thompson of Warner, is stated by the chair, and on a *viva voce* vote is declared lost.

Mr. Lyford of Concord—Unless there are gentlemen who desire to proceed in the discussion, I will move that the committee arise and report the resolution of Mr. Thompson of Warner favorably. I will withdraw that if anybody desires to speak.

The motion of Mr. Lyford is stated by the chair and carried.

In Convention.

(The President in the chair.)

Mr. Kent, chairman, reported that the Committee of the Whole had had under consideration the proposed amendment to the Constitution offered by Mr. Thompson of Warner, relating to woman's suffrage, and had voted to rise and report the resolution favorably.

The question being stated, "Shall the report of the Committee of the Whole be accepted?" a division was called for and resulted in 151 gentlemen voting in the affirmative and 102 gentlemen voting in the negative, and the report of the committee was declared adopted.

Mr. Pillsbury of Londonderry, nine other members concurring, called for the yeas and nays.

Mr. Jones of Manchester moved that the resolution be laid upon the table. The motion did not prevail.

The following gentlemen voted in the affirmative:

ROCKINGHAM COUNTY. Kimball of Danville, Kelsea of Deerfield, Eastman, Follansby, Leddy, Hooke, Sanborn of Hampstead, Weare, Shaw, Chase of Kingston, Pollard, Evans, Cate, Kelsey of Nottingham, Howard, Norris, Ham, Cullen, Sawyer of Rye, Wheeler, Locke of Seabrook, Jewell of South Hampton, Clark of Windham.

STRAFFORD COUNTY. Morang, Folsom, Nute of Dover, Nutter of Farmington, Willson of Farmington, Moore, Chamberlain, Nute of Rochester, Meader, Springfield, Edgerly.

BELKNAP COUNTY. Demeritt, Colbath, Cogswell, Gorrell, Smith of Meredith, Smith of New Hampton, Rogers.

CARROLL COUNTY. Nickerson, Gibson, Morrill of Conway, Harmon, Merrow, Murch, Meserve, Gilman, Brown of Ossipee, Page of Tamworth, Morrison of Tuftonborough, Clow.

MERRIMACK COUNTY. Stone of Andover, Baker, Frame,

**vin, Warden, Russell, Woodbury of Woodstock.**

**COOS COUNTY.** Paine, Miles, Titus, Britton, Crawford, Kent, Perkins, McKellips, Blanchard, Watson, Philbrook, Aldrich of Whitefield.

The following gentlemen voted in the negative:

**ROCKINGHAM COUNTY.** Sanborn of Auburn, Flanders of Brentwood, Sanders, Fuller, Towle, Pillsbury, Ham.

**STRAFFORD COUNTY.** Cochrane, Gunnison, Libby, Leary, Hall of Strafford.

**BELKNAP COUNTY.** Morrill of Gifford, Thompson of Laconia, Fellows

**CARROLL COUNTY.** Hobson, Dorr, Sanborn of Wakefield.

**MERRIMACK COUNTY.** Buxton, French of Bradford, Virgin, Mitchell of Concord, Foster, Walker of Concord, Howe,

Casey, Ford of Danbury, Leach, Clough of Loudon, Chickering, Truesdell, Webster, Sawyer of Salisbury, Lang.

HILLSBOROUGH COUNTY. Whitaker of Deering, Peavey, Fogg, Smith of Hillsborough, Tarbell, Lambert, Cross, Green of Manchester, Jones, Lord, Hill, Starr, Sullivan, Griffin, Quirin Joseph, Clement of Manchester, Hall of Manchester, Trinity, Raymond, Spring, Woodbury of Nashua, Shedd, Seavey, Chapman.

CHESHIRE COUNTY. Learned, Farwell, Buckley, Hall of Keene, McClure, Stone of Troy.

SULLIVAN COUNTY. Holmes, Brockway.

GRAFTON COUNTY. Bucklin, Parker of Benton, Morrill of Bridgewater, Chase of Bristol, Pulsifer of Campton, Richardson of Canaan, Walker of Grafton, Ward, Colby of Hanover, Sloane, Jewell of Hebron, Drake, Aldrich of Littleton, Morse, Stoddard, French of Orange, Ford of Piermont, Wentworth, Craig of Rumney, Green of Waterville.

COOS COUNTY. Laplante, Rich, Daley, Boudreau, Young of Clarksville, Pike of Stark, Hinman.

And 143 gentlemen having voted in the affirmative, and 94 in the negative, the affirmative prevailed and the report of the committee was accepted.

After the roll had been called, but before the vote was declared, Mr. Pillsbury of Londonderry and Mr. Sanborn of Auburn, who voted in the negative, changed their votes to the affirmative.

Mr. Pillsbury of Londonderry gave notice that on to-morrow, or some subsequent day, he would move a reconsideration of the vote whereby the Convention voted to adopt the favorable report of the Committee of the Whole upon the resolution of the gentleman from Warner, Mr. Thompson, in amendment of article twenty-seven, part second, of the Constitution.



**The proposition which I have submitted for an amendment to the Constitution is as follows:**

**"Individual enterprise and competition in trade should be protected against monopolies which tend to hinder or destroy them. It shall be the duty of the legislature to limit the size and functions of all corporations, to prohibit fictitious capitalization therein, and to so provide for their supervision and government that they will be the servants and not the masters of the people."**

**I also read the following amendment:**

**"The legislature shall have power to define, regulate, prohibit, or dissolve trusts, monopolies, or combinations whether existing in the form of a corporation or otherwise."**

**This last proposition with the first words "The congress" instead of "The legislature," has the merit of having received the votes of all the Republican members of the house of rep-**

representatives in congress. It was opposed by the Democrats solely on the ground that they believed the states alone should exercise exactly that power; so that, when the proposition is now presented, not to congress, but to a state legislature, it is in a form to receive the approbation of this whole Convention precisely as it received in its spirit the unanimous approbation of the house of representatives at Washington.

The gentleman from Manchester, Mr. Starr, has offered an amendment in these words:

“Amend article eighty-two by adding thereto the following:

“And, further, full power is hereby granted to the said general court to enact laws to prevent, by civil and criminal process, the operations within the state of any trust or corporation, foreign or domestic, which endeavors to raise the price of any article of commerce by restraint of trade, monopoly, or other unfair means; to control and regulate the acts of all corporations doing business within the state, and prevent their encroachments upon the liberties of the people.”

Now, Mr. Chairman and Gentlemen of the Committee, it is my purpose to request from the Committee an expression in favor of a Constitutional amendment prohibiting trusts and requiring the legislature of the state to deal with trusts for the purpose of preventing monopoly, and if such a vote is given, I shall be perfectly willing to have the precise language of the Constitutional amendment considered and fixed by the appropriate committee; because I hold, Mr. Chairman and gentlemen, that inasmuch as we are amending the fundamental law of the state, we ought to be extremely careful about the language used.

As you all know, an unobjectionable principle may sometimes be expressed in objectionable terms, and so what I desire is to put a direction or a command into the Constitution in the most precise language in which the amendment can be framed.

Now I will read from the platforms of the two political parties in the state of New Hampshire.

The Democratic state convention of September 10, 1902, contained the following plank:

guage in which to express the idea which we wish to express.

It may be asked, Why is it necessary to adopt constitutional amendments on this subject? Has not the legislature of New Hampshire now the power to legislate against trusts and monopolies?

I answer, I think the legislature has such power, but we are assembled here to give the people's instructions through this Convention, to the future legislatures of this state, and we are justified, nay, more, we are *required*, I think, to give the same commands to the legislature of our state which other states have felt impelled to give to their legislatures.

In order to avoid detaining the Convention by submitting extracts from the Constitutions and laws of the several states, I prepared and the Convention has printed a very interesting paper which I ask delegates to read (Document of Tables No 102). It appears that fourteen states of this Union have not

deemed it sufficient to rely upon the powers which have hitherto existed in legislatures to control trusts, to prevent monopolies, and to provide for competition in trade, and these fourteen states have adopted from time to time constitutional amendments directed against trusts. These amendments are all printed, and in addition there is printed the full and explicit title of the Georgia act. The acts are long and references are made to them in this printed paper which is before you, and you can see for yourselves that the people of these fourteen states deemed it insufficient to wait for such action of their legislatures as might be taken without the stimulus of a constitutional requirement.

In twenty-five of the states there have been statutes passed;—in ten, trusts are prohibited both by constitutions and by laws,—leaving only sixteen states of the Union which have not hitherto acted upon this subject, either by their constitutions or their laws.

Now, Mr. Chairman and gentlemen, this is the general situation, and I need not enter into a debate here in order to demonstrate to you the importance to the community in which we live—the importance to every free community—of individual enterprise.

The foundation of society is the effort of every individual man to make something of himself in the community in which he lives; and the foundation of national prosperity is the effort of every individual to secure his personal prosperity. Whatever crushes out the individual, whatever keeps down the many striving to get a living, striving to make money, striving to accumulate property, tends in the end to the injury of the whole people. These principles are well recognized, and the progress of society is involved in the right of acquiring private property, and it never was intended since the beginning of civilization that the industries in any country should be controlled by a few men.

But I will not this afternoon, and I think that I shall not, if there is to be only brief discussion, endeavor at any time to set forth the general facts which prove that the trusts and mo-

ress, and ask leave to sit again.

Leave was granted.

On motion of Mr. Lang of Bedford, the Convention adjourned.

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FRIDAY, DECEMBER, 12, 1902.

The Convention met according to adjournment.

(The President in the chair.)

Prayer was offered by the chaplain.

The reading of the journal having been begun, on motion

of Mr. Webster of Pittsfield, the rules were so far suspended that further reading was dispensed with.

Mr. Daley of Berlin gave notice that he should move to adjourn at 11:30 o'clock in the forenoon.

Mr. Knight of Milford, from the Committee on Mileage, submitted the following report:

*“Resolved, That each member be allowed the number of miles travel set opposite his name in the list submitted, and that the secretary be instructed to make up the mileage roll of the Convention in accordance therewith.”*

The resolution was adopted.



#### MILEAGE ROLL.

Abbott, Charles W.....	60
Abbott, Jacob J.....	40
Adams, Edward H.....	120
Aldrich, David M.....	260
Aldrich, Edgar.....	230
Allen, Henry W.....	38
Amidon, George F.....	202
Annett, Albert.....	190
Ashley, Herbert H.....	131
Avery, Bert H.....	128
Bacon, Stephen H.....	160
Baker, Henry M.....	5
Bales, George E.....	104
Bartlett, George H.....	80
Barton, Jesse M.....	84
Battles, Daniel F.....	134
Blake, Amos J.....	192
Blanchard, Edwin F.....	176
Blanchard, Harvey A.....	376
Blodgett, Frank E.....	16

<b>Carbee, Henry C.....</b>	<b>196</b>
Casey, Michael.....	2
Cass, Lewis R.....	156
Cate, Charles F.....	60
Chamberlin, Horatio G.....	166
Chandler, William E.....	2
Chapman, Joseph C.....	64
Chase, Amos C.....	128
Chase, Ira A.....	66
Chesley, Daniel.....	120
Chickering, Jacob E.....	14
Clark, Allan C.....	86
Clark, George H.....	70
Clement, Frank O.....	38
Clement, Stephen H.....	140
Clough, Jeremiah A.....	26

Clough, Joseph L.....	70
Clow, Stephen W.....	200
Clyde, George W.....	72
Cochrane, George E.....	132
Cogswell, Thomas.....	108
Colbath, Horace N.....	60
Colby, George W.....	52
Colby, Ira G.....	110
Colby, James F.....	152
Cole, Wallace W.....	80
Collins, Clinton.....	116
Collins, John S.....	144
Colman, Dudley C.....	200
Conley, Elmer E.....	146
Cooke, Charles H.....	186
Corey, Guy E.....	120
Craig, Charles C.....	114
Craig, Rockwell F.....	162
Crawford, George W.....	276
Cross, David.....	40
Cullen, William A. A.....	120
Cummings, Henry.....	118
Daley, Daniel J.....	312
Davis, Carlos C.....	154
Day, Auburn J.....	140
Dearborn, Henry C.....	92
Dearborn, Luther E.....	288
Demeritt, George H.....	180
Desmarais, Leon.....	72
Dewey, Jesse E.....	130
Dodge, James E.....	36
Dodge, Lendell.....	64
Dodge, William F.....	260
Dolbeer, John H.....	36
Dole, Charles A.....	130
Dorr, Henry F.....	120
Downes, George E.....	134



Flanders, Ephraim G.....	92
Flanders, Robert L.....	112
J.....	72
Flood, John J.....	72
Fogg, George H.....	92
 H. C.....	110
ing.....	122
E.....	12
Ford, Edward.....	190
Ford, John V.....	78
 W.....	130
Foster, William A.....	2
Frame, James.....	14
French, John E.....	56
French, John H.....	110
Frink, John S. H.....	110
Fuller, Arthur O....	110

Furbush, George P.....	140
Gelinas, Gaspard A.....	140
Gerrish, Fred E.....	120
Gibson, James L.....	304
Gillispie, Charles F.....	60
Gilman, Samuel J.....	262
Gilmore, George C.....	42
Glancy, William F.....	40
Glazier, Van B.....	210
Goodnow, Edwin J.....	158
Goodwin, Andrew J.....	104
Gordon, Francis A.....	54
Gorrell, Horace W.....	56
Greager, Herman.....	40
Green, George H.....	140
Green, Henry F.....	230
Green, Oliver B.....	40
Greene, Frank P.....	56
Griffin, Dennis F.....	40
Grover, Horace T.....	84
Guerin, Moise.....	40
Gunnison, William T.....	140
Hadley, Herbert O.....	162
Hall, Dwight.....	122
Hall, Frank H.....	182
Hall, James M.....	40
Hall, William C.....	130
Hallinan, Stephen L.....	72
Ham, Samuel F.....	118
Hamblett, Charles J.....	72
Hanson, Burnham.....	124
Hanson, Frank L.....	94
Harmon, Horace W.....	250
Harriman, Walter C.....	72
Hartley, William H.....	272
Harvey, Warren.....	40
Head, Eugene S.....	18

<b>Jennings, Henry</b> .....	<b>40</b>
<b>Jewell, Benjamin R.</b> .....	<b>80</b>
<b>Jewell, Edward M</b> .....	<b>168</b>
<b>Jewett, Stephen S.</b> .....	<b>58</b>
<b>Johnson, Thomas F.</b> .....	<b>340</b>
<b>Jones, Edwin F.</b> .....	<b>40</b>
<b>Jordan, John</b> .....	<b>2</b>
<b>Kelsey, James H.</b> .....	<b>100</b>
<b>Kelsey, John M.</b> .....	<b>100</b>
<b>Kent, Henry O.</b> .....	<b>270</b>
<b>Kidder, Daniel</b> .....	<b>126</b>
<b>Kimball, Benjamn A.</b> .....	<b>2</b>
<b>Kimball, Charles H.</b> .....	<b>72</b>
<b>Kimball, Eugene F.</b> .....	<b>126</b>
<b>Kiniry, William H.</b> .....	<b>186</b>
<b>Knight, Carl E.</b> .....	<b>94</b>

Knowles, Charles H.....	84
Knox, James E.....	52
Lambert, Elliot C.....	40
Lamprey, George W.....	190
Lamprey, Maitland C.....	2
Lang, Frank A.....	34
Laplane, Louis M.....	310
Leach, Edward G.....	40
Learned, Henry D.....	110
Leary, Michael J.....	150
Leddy, John.....	82
Ledoux, Henri T.....	74
Leighton, George I.....	126
Lewis, Edwin C.....	56
Libby, Joseph.....	150
Little, Cyrus H.....	40
Littlefield, John C.....	42
Locke, Alphonzo B.....	122
Locke, James A.....	150
Locke, John W.....	150
Lord, Harry T.....	40
Lyford, James O.....	2
Madden, Joseph.....	130
Marsh, Jonathan A.....	42
McAllister, George I.....	40
McClure, Cummings B.....	100
McDonough, Joseph M.....	40
McElroy, William.....	40
McGlynn, Michael.....	72
McKay, William J.....	82
McKellips, George W.....	296
McQuesten, John K.....	40
Meador, Stephen C.....	140
Melvin, George.....	174
Merrow, Arthur P.....	260
Meserve, Jonathan.....	336
Messer, George J.....	70

<b>Murray, Charles A.....</b>	<b>310</b>
Nealley, John H.....	122
Nettle, Albert.....	40
Newell, Hiram F.....	130
Newton, Charles A.....	94
Nickerson, Archie.....	289
Niles, Edward C.....	2
Norris, True L.....	120
Noyes, Loren A.....	110
Nute, Andrew R.....	146
Nute, John H.....	120
Nutter, George W.....	132
Nutter, Henry C.....	172
Osgood, George W.....	100
Page, Horace A.....	226
Paige, David A.....	56
Paige, Nelson W.....	45

Paine, William H.....	310
Park, William R., Jr.....	142
Parker, Edward E.....	72
Parker, Lebina H.....	206
Parker, Wilbur F.....	240
Paul, Clarence H.....	122
Peaslee, Daniel M.....	140
Peavey, George S.....	128
Peirce, George W.....	154
Penniman, Robert R.....	134
Perkins, Napoleon B.....	296
Philbrook, Charles E.....	360
Phipps, Learned K.....	328
Pike, Edwin B.....	168
Pike, William T.....	302
Pillsbury, Rosecrans W.....	60
Plante, Joseph G.....	40
Plummer, Bard B.....	170
Pollard, Christopher A.....	100
Poole, Joel H.....	198
Powers, Edward J.....	40
Powers, Marcellus J.....	100
Precourt, Albert J.....	40
Pressler, Adolph W.....	128
Proctor, Clayton B.....	72
Provost, Frank T.....	40
Pulsifer, Charles L.....	58
Pulsifer, Charles W.....	116
Putnam, George M.....	28
Quirin, Eugene.....	40
Quirin, Joseph.....	40
Raymond, Charles H.....	100
Rich, George F.....	310
Richards, Seth M.....	86
Richardson, Milton A.....	104
Richardson, Warren B.....	104
Richer, Joseph.....	40

<b>Sawyer, Horace.....</b>	<b>136</b>
<b>Scott, Charles.....</b>	<b>92</b>
<b>Seavey, Charles L.....</b>	<b>90</b>
<b>Shaw, Weare N.....</b>	<b>108</b>
<b>Shedd, Albert.....</b>	<b>72</b>
<b>Shute, Calvin T.....</b>	<b>142</b>
<b>Simons, George.....</b>	<b>78</b>
<b>Slattery, Joseph T.....</b>	<b>76</b>
<b>Sloane, Scott.....</b>	<b>186</b>
<b>Smith, George F.....</b>	<b>76</b>
<b>Smith, John B.....</b>	<b>54</b>
<b>Smith, Kenrick W.....</b>	<b>62</b>
<b>Spaulding, Frank A.....</b>	<b>181</b>
<b>Spencer, William.....</b>	<b>314</b>
<b>Springfield, George H.....</b>	<b>144</b>
<b>Spring, John R.....</b>	<b>72</b>
<b>Starr, William J.....</b>	<b>40</b>

Stearns, Willis D.....	170
Stockwell, George T.....	114
Stoddard, Willard A.....	210
Stone, George R.....	38
Stone, George W.....	60
Stone, Melvin T.....	200
Streeter, Frank S.....	2
Sullivan, Michael R.....	40
Taft, James S.....	130
Tarbell, Walter S.....	112
Tenney, Edward J.....	110
Thompson, Arthur.....	38
Thompson, Edwin P.....	52
Thurston, Remember B.....	400
Titus, Charles C.....	364
Todd, Jacob H.....	78
Tonery, Michael.....	40
Towle, John W.....	140
Towne, Omar A.....	40
Tremblay, Joseph O.....	40
Trinity, Joseph F.....	42
Truesdell, Edmund E.....	14
Virgin, Fales P.....	2
Walker, John.....	106
Walker, Joseph E.....	98
Walker, Reuben E.....	2
Ward, Edwin D.....	60
Ward, Simon.....	150
Warden, Alexander.....	210
Warner, Franklin G.....	72
Wason, Edward H.....	72
Watson, Laban M.....	294
Way, Osmon B.....	110
Weare, Benjamin F.....	150
Webb, John W.....	102
Webster, Edward K.....	50
Wentworth, Alvin F.....	104



Wyatt, Otis U.....	42
Young, Charles A.....	252
Young, Willis E.....	374

On motion of Mr. Edgerly of Somersworth, the resolution introduced by him relating to the educational qualification of voters, was withdrawn from Committee of the Whole and referred to the Committee on the Legislative Department.

Mr. Aldrich of Littleton moved that all resolutions relating to the increase of the senate be either taken from the table or withdrawn from Committee of the Whole, wherever they may be, and referred to the Committee on the Legislative Department, and it was so ordered by the Convention.

On motion of Mr. Wingate of Stratham, the resolution offered by him to strike out the word "subject" from the Bill

of Rights, was withdrawn from Committee of the Whole and referred to the Committee on the Bill of Rights.

Mr. Niles of Concord—I wish to move that the several resolutions in amendment of article six of the Bill of Rights, which at a previous session of the Convention were referred to the Committee on Bill of Rights and Executive Department, be withdrawn from that committee and referred to the Committee of the Whole, together with the resolution on the same subject introduced by the gentleman from Bow, Mr. Baker.

Mr. Baker of Bow—I have no objection to that proceeding. Individually I am in favor of it, but I think there was a little error in statement on the part of the gentleman from Concord, Mr. Niles. If my memory serves me, a vote was never taken on them and they are still in the Committee of the Whole.

Mr. Niles of Concord—My resolution was referred on my own motion to the Committee on Bill of Rights and Executive Department, and that of Mr. Baker was referred to the Committee of the Whole. The motion was made that the resolution of the gentleman from Bow, Mr. Baker, should be taken from the Committee of the Whole and referred to the Committee on Bill of Rights and Executive Department, and that motion was pending when the Committee of the Whole arose.

Mr. Baker of Bow—That is correct.

Mr. Hamblett of Nashua—Would it not be well to ask the Committee on Bill of Rights and Executive Department to render their report before we take this matter out of the hands of that committee? It seems to me that would be the usual course to take. Let the Committee on Bill of Rights and Executive Department make a report on this resolution and if they fail to give us the report, then ask that the resolution be recalled. It seems to me this is an improper and

business of the Convention—that is, the recalling of the several resolutions from the Committee of the Whole and sending them to a standing Committee on Bill of Rights. Of course I make no suggestion as to which course should be pursued. It is immaterial to me. I only wish it understood that the resolutions are now in the Committee of the Whole.

Upon call of Mr. Hamblett of Nashua the motion of Mr. Niles of Concord is stated by the President.

The President—The secretary informs the chair that there are three resolutions on this matter. One was introduced by the gentleman from Hanover, Mr. Colby, one by the gentleman from Concord, Mr. Niles, and one by the gentleman from Bow, Mr. Baker; that the first two are in the Committee on Bill of Rights and Executive Department, and that the resolution of the gentleman from Bow, Mr. Baker, is in the Committee of the Whole. The gentleman from Concord, Mr.

Niles, moves that the two resolutions sent to the Committee on Bill of Rights—his own and that of the gentleman from Hanover, Mr. Colby—be recalled from the Committee on Bill of Rights and referred to the Committee of the Whole, to be considered in the Committee of the Whole with the resolution of the gentleman from Bow, Mr. Baker.

Mr. Hamblett—That is the way I understand it. It seems to me that is a very unusual proceeding. Two resolutions have been referred to the Committee on Bill of Rights and Executive Department, and that committee has made no report, and no reason is given why these should be taken from the committee. I believe that the whole matter should be considered by a special committee, and then the Convention have the information and result of the deliberations of that committee. It would seem to me that the resolution of the gentleman from Bow, Mr. Baker, should be referred to a special committee, and that would be in the line of progress.

Mr. Niles of Concord—I agree with the gentleman from Nashua, Mr. Hamblett, on that proposition. That is what I contended for the other day, to have the resolution of the gentleman from Bow, Mr. Baker, go to the Committee on Bill of Rights where the other two resolutions were, but there was objection to that, and in order to obviate such objection I made the motion I have to-day.

Mr. Baker of Bow—I presume the desire on the part of all is to do something. Now this matter has been considered for perhaps an hour or more in the Committee of the Whole, and the only anomalous condition in the whole matter is that one resolution is before the Committee of the Whole and two before a standing committee. We are getting to that stage in the Convention where it seems to me it would be just as well to take the two from the standing committee and refer them to the Committee of the Whole as to reverse that position. If the resolutions should be considered by the standing committee they would perhaps be reported at a late day and leave

**On motion of Mr. Truesdell of Pembroke, it was voted that when the Convention adjourn this morning it adjourn to meet Monday evening at 7:30 o'clock.**

#### COMMITTEE REPORTS.

Mr. Lyford of Concord, from the Committee on the Legislative Department, to whom was referred the resolution of Mr. Starr of Manchester to amend article eighty-two of the Constitution by the addition of a provision relative to trusts, reported the same with the following resolution:

*“Resolved, That the amendment be referred to the Committee of the Whole, to be considered with amendments of like character.”*

The report was accepted and the resolution adopted.

Mr Lyford of Concord, from the Committee on the Legisla-

tive Department, to whom was referred the amendment of Mr. Edgerly of Somersworth to article eleven of the Bill of Rights relative to an educational test for voting, reported the same with the following resolution:

*“Resolved, That the amendment be adopted.”*

The report was accepted, and the question being stated, “Shall the resolution be adopted?”

Mr. Eastman of Exeter—I do not know what effect this may have on the resolution referred to the committee this morning—the resolution of the gentleman from Hanover, Mr. Colby, which relates to an amendment of the same article of the Constitution. I move that the resolution of the gentleman from Somersworth, Mr. Edgerly, be referred to the Committee on the Legislative Department, that the two resolutions may be considered together.

Mr. Lyford of Concord—I think the members of the committee were aware this other amendment was before the Convention, or before the committee in some form, but they felt that this was a general proposition which should go by itself, and I, knowing the character of the amendment offered by the gentleman from Hanover, Mr. Colby, think we should consider each one of them separately.

The President—The question is upon the adoption of the resolution of the Committee on Legislative Department.

Upon motion of Mr. Chandler of Concord, it was voted that “his name” in line seven of the resolution be stricken out, so that part of the amendment will read,—“But no person shall have the right to vote or be eligible to office under the Constitution of this state who shall not be able to read the Constitution in the English language and to write.”

Mr. Lambert of Manchester—I should like to know if that means write in the English or in a foreign language—Chinese, perhaps.

**against the subject matter as being inappropriate or unjust, I have something to say. I am not going to detain you more than two or three minutes in either event.**

The only purpose of this resolution to amend is very well stated in the closing clause to which you have listened. "In all cases where a general law can be made applicable, no local or special law shall be enacted." In other words the entire object of this amendment is that there should be fair play to all parties and all interests in the state of New Hampshire in regard to the subject matter mentioned. It would do away with what is generally known as the "lobby," if such exists; it would prevent the granting of any special privileges to any corporation existing or proposed to exist, and it would do that which is done almost everywhere else in the United States—make it necessary to pass laws which would be applicable to everybody, and which would not give any special privileges or advantages to anybody.

It seems to me, notwithstanding the report of the committee, that we do not have time to consider the general welfare of the state, even in a Convention limited as this is in point of time.

I know of no reason why one individual or set of individuals should be given any corporate rights or right to build a railroad track, or any other thing, which any other body of men proposing to do the same thing may not have equal opportunity to do. I think if this proposed amendment had been a part of the Constitution of New Hampshire for the last twenty-five years all the railroad fights which have disgraced the state would have been avoided and that we should have been quite as well off in every particular as we are now. It is my experience, gentlemen, in the legislature, that a considerable portion of the time is occupied in granting special charters which ought not to be granted to anybody; but that a legislature should be compelled by some such provision as I have proposed to pass a general corporation law which would permit each and every person, upon equal terms, to incorporate as he or they might desire.

Mr. Cross of Manchester—I would like to ask the gentleman from Bow, Mr. Baker, one question. I would like to know if it were not possible for you to draft an article in a few words, saying what you say at the close of your present resolution? The committee, in reading it over, felt apprehensive that if it were presented to the people they would not take the time to read it and would vote against the amendment and the gentleman would be defeated in his purpose. If the gentleman from Bow will draft the amendment in a few words, the committee may consider it again.

Mr. Baker of Bow—I thank the gentleman from Manchester for his suggestion, and I shall try to comply with it and attempt to submit a draft which the Legislative Committee may be willing to consider. I suppose it would be necessary, in order to relieve the legislative situation that the report of the committee be recommitted to them, and I therefore move



not concerned, but with right of appeal to either party to some other court. And the general court are further empowered to give to police courts jurisdiction to try and determine, subject to the respondent's right of appeal and trial by jury, criminal causes wherein the punishment is less than imprisonment in the state prison."

The report was accepted.

Question, "Shall the resolution, as amended by the committee, be adopted?"

Mr. Cullen of Portsmouth—I would like to know the reason, from some member of the committee, why it is necessary to amend and give the police justices more authority than they have at present.

Mr. Lyford of Concord—As a member of that committee, I

can make a statement in regard to this, but I hope the gentleman from Lisbon, Mr. Morris, will speak upon the subject.

Mr. Daley of Berlin—This question may result in more or less debate, and it seems to me that it would be impossible to close it at this time if this Convention is to adjourn in time for the people in the northern part of the state to take the train for home. If that is so, I wish that the resolution may be withdrawn from consideration of this body to-day, or at least in time so that we can go home.

The President—The chair would suggest to the gentleman from Lisbon, Mr. Morris, that the chair would not have taken up this report at this time if he had supposed there was to be much discussion. The chair believes that reports of this kind, involving discussion, should be taken up at a later time than at present.

Mr. Lyford of Concord—If the President will pardon me, the impression of the committee is that after the gentleman from Lisbon has made his statement of what is sought to be accomplished by this amendment there will be no opposition to it. If there does develop opposition to the amendment the question could be passed to some other day.

Mr. Morris of Lisbon—I think this should be taken up in a full house, when a full discussion of it may be had. I will state briefly the purpose of the proposed amendment. In the first place, I would like to have the members of the Convention notice that this amendment does not in itself confer increased jurisdiction on a police court. It simply authorizes the general court in its wisdom to do so if it sees fit.

Now, the question is upon the necessity of any such amendment to the Constitution. It is well known to the attorneys in the Convention and probably to most of the members of the Convention, that back in 1867 the legislature of this state assumed to authorize justices of the peace to take jurisdiction in criminal matters in cases wherein the punishment did not

Now, it seems to me that the limit of \$10 fine for the jurisdiction of the police court such as we have in the city of Manchester, or the police courts of towns in this state, is a very limited jurisdiction. I understand in a great many of them it has been the practice in cases that they wanted to take care of, when they did not have jurisdiction, for the respondents to consent in writing that they would waive their constitutional rights and would accept the jurisdiction of the court. It seems to me this is wrong. If the courts want to take jurisdiction of matters which they are not empowered to take jurisdiction of now, they should be authorized, so as to do it in a legal manner, and the Constitution should be so amended that a subsequent legislature will have the authority to increase the jurisdiction of those courts.

Mr. Daley of Berlin moved that the Convention adjourn. The motion was declared lost on a *viva voce* vote. Mr. Lyford

of Concord called for a division, which resulted in 189 gentlemen voting in the affirmative and 22 gentlemen voting in the negative, and the Convention was declared adjourned until Monday evening, December 15, at 7:30 o'clock.

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MONDAY EVENING, DECEMBER 15, 1902.

The Convention met according to adjournment.

(The President in the chair.)

No quorum being present, on motion of Mr. Madden of Keene, the Convention adjourned.

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TUESDAY, DECEMBER 16, 1902.

The Convention met according to adjournment.

(The President in the chair.)

Prayer was offered by Rev. Mr. Buckshorn of Concord.

The journals of Friday and Monday evening were read and approved.

The resolution of Mr. Edgerly of Somersworth, which passed the Convention on Friday, December 13, in amendment of article eleven, Bill of Rights, relative to an educational test for voters, was referred to the Committee on Time and Mode of Submitting to the People the Amendments Agreed to by the Convention.

Mr. Bartlett of Sunapee offered the following resolution:

*“Resolved, That the secretary be instructed to make up the*

**Leave was granted.**

Leave of absence was also granted Mr. Warner of Antrim on account of illness.

#### COMMITTEE REPORTS.

Mr. Norris of Portsmouth, from the Committee on Future Mode of Amending the Constitution and Other Proposed Amendments, to whom was referred the amendment of Mr. Worcester of Milford to article ninety-six, part second, of the Constitution, relative to the money standard of the Constitution, reported the same with the following resolution:

*“Resolved, That it is inexpedient to amend the Constitution in this respect.”*

The report was accepted and the question being stated,

“Shall the resolution of the committee that it is inexpedient to amend the Constitution in this respect?” be adopted, the affirmative prevailed and the resolution of the committee was adopted.

Mr. Norris of Portsmouth, from the Committee on Future Mode of Amending the Constitution and Other Proposed Amendments, to whom was referred the amendment of Mr. Farrington of Manchester to article ninety-six, part second, of the Constitution, relative to the money standard of the Constitution, reported the same with the following resolution:

*“Resolved, That it is inexpedient to amend the Constitution in this respect.”*

The report was accepted and the resolution adopted.

Mr. Paine of Berlin, from the Committee on Future Mode of Amending the Constitution and Other Proposed Amendments, to whom was referred the resolution offered by Mr. Gilmore of Manchester to amend part second of the Constitution, article forty-one, by striking out the words, “And whose title shall be His Excellency,” reported the same with the following resolution:

*“Resolved, That it is inexpedient to make the amendment suggested.”*

The report was accepted and the resolution adopted.

Mr. Woodbury of Woodstock, from the Committee on the Legislative Department, to whom was referred the resolution introduced by Mr. Gilmore of Manchester relating to the election of secretary, treasurer, and commissary-general, reported the same with the following resolution:

*“Resolved, That it is inexpedient to recommend such an amendment.”*

The report was accepted, and the question being stated,

from Manchester, Mr. Gilmore, was laid upon the table and made a special order for Wednesday, December 17, at 2:30 o'clock in the afternoon.

Mr. Mitchell of Concord, from the Committee on the Legislative Department, to whom was referred the resolution offered by Mr. Baker of Bow, with reference to amendment of articles thirty-two, thirty-three, forty-one, and sixty, of part second of the Constitution, providing for the substitution of the word "plurality," for "majority," in said articles, reported the same in the following amended form, and recommended its adoption:

Amend part second, title "Senate," articles thirty-two and thirty-three, article forty-one, title Executive Power—Governor, and article sixty, title Council, by striking out the word "majority" wherever it occurs in said articles, and substituting therefor the word "plurality"

The report was accepted and the question being stated, "Shall the recommendation of the committee be adopted," the affirmative prevailed on a *viva voce* vote.

Mr. Jones of Manchester called for a division, and, pending it, moved to lay the resolution, with the recommendation of the committee, upon the table. On the motion to lay on the table, the negative prevailed on a *viva voce* vote.

The same gentleman withdrew his call for a division.

Mr. Briggs of Manchester called for the yeas and nays upon the question. Pending the calling of the roll, Mr. Briggs moved that the resolution be laid upon the table. The negative prevailed on a *viva voce* vote.

Mr. Jones of Manchester—Debate, I suppose, is not in order in this matter. I have one suggestion to make, and by unanimous consent I would like to proceed for a moment.

The President—There being no objection unanimous consent is granted.

Mr. Jones of Manchester—This is one of the most important matters that has been brought before this Convention. It changes the system of election of the governor, senators, and council from what has been the rule in this state since the adoption of the state Constitution, in this, that a plurality of votes shall under this amendment elect all those officers, whereas, heretofore, we have always required a majority. It seems to me it is an important matter and should be considered in a house where more members are present than now. It was for this reason I made my motion to lay upon the table, which was voted down. Of course those of us who are opposed to such an amendment as this will submit with all good grace to the action of the Convention, but we simply ask that the motion may be held over to such time as it may be more carefully and generally considered. It has been brought in



when the Convention adjourn this morning it adjourn to meet Monday evening at 7:30 o'clock.

#### COMMITTEE REPORTS.

Mr. Lyford of Concord, from the Committee on the Legislative Department, to whom was referred the resolution of Mr. Starr of Manchester to amend article eighty-two of the Constitution by the addition of a provision relative to trusts, reported the same with the following resolution:

*“Resolved,* That the amendment be referred to the Committee of the Whole, to be considered with amendments of like character.”

The report was accepted and the resolution adopted.

Mr Lyford of Concord, from the Committee on the Legisla-

tive Department, to whom was referred the amendment of Mr. Edgerly of Somersworth to article eleven of the Bill of Rights relative to an educational test for voting, reported the same with the following resolution:

*“Resolved, That the amendment be adopted.”*

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Mr. Eastman of Exeter—I do not know what effect this may have on the resolution referred to the committee this morning—the resolution of the gentleman from Hanover, Mr. Colby, which relates to an amendment of the same article of the Constitution. I move that the resolution of the gentleman from Somersworth, Mr. Edgerly, be referred to the Committee on the Legislative Department, that the two resolutions may be considered together.

Mr. Lyford of Concord—I think the members of the committee were aware this other amendment was before the Convention, or before the committee in some form, but they felt that this was a general proposition which should go by itself, and I, knowing the character of the amendment offered by the gentleman from Hanover, Mr. Colby, think we should consider each one of them separately.

The President—The question is upon the adoption of the resolution of the Committee on Legislative Department.

Upon motion of Mr. Chandler of Concord, it was voted that “his name” in line seven of the resolution be stricken out, so that part of the amendment will read,—“But no person shall have the right to vote or be eligible to office under the Constitution of this state who shall not be able to read the Constitution in the English language and to write.”

Mr. Lambert of Manchester—I should like to know if that means write in the English or in a foreign language—Chinese, perhaps.

**against the subject matter as being inappropriate or unjust, I have something to say. I am not going to detain you more than two or three minutes in either event.**

The only purpose of this resolution to amend is very well stated in the closing clause to which you have listened. "In all cases where a general law can be made applicable, no local or special law shall be enacted." In other words the entire object of this amendment is that there should be fair play to all parties and all interests in the state of New Hampshire in regard to the subject matter mentioned. It would do away with what is generally known as the "lobby," if such exists; it would prevent the granting of any special privileges to any corporation existing or proposed to exist, and it would do that which is done almost everywhere else in the United States—make it necessary to pass laws which would be applicable to everybody, and which would not give any special privileges or advantages to anybody.

It seems to me, notwithstanding the report of the committee, that we do not have time to consider the general welfare of the state, even in a Convention limited as this is in point of time.

I know of no reason why one individual or set of individuals should be given any corporate rights or right to build a railroad track, or any other thing, which any other body of men proposing to do the same thing may not have equal opportunity to do. I think if this proposed amendment had been a part of the Constitution of New Hampshire for the last twenty-five years all the railroad fights which have disgraced the state would have been avoided and that we should have been quite as well off in every particular as we are now. It is my experience, gentlemen, in the legislature, that a considerable portion of the time is occupied in granting special charters which ought not to be granted to anybody; but that a legislature should be compelled by some such provision as I have proposed to pass a general corporation law which would permit each and every person, upon equal terms, to incorporate as he or they might desire.

Mr. Cross of Manchester—I would like to ask the gentleman from Bow, Mr. Baker, one question. I would like to know if it were not possible for you to draft an article in a few words, saying what you say at the close of your present resolution? The committee, in reading it over, felt apprehensive that if it were presented to the people they would not take the time to read it and would vote against the amendment and the gentleman would be defeated in his purpose. If the gentleman from Bow will draft the amendment in a few words, the committee may consider it again.

Mr. Baker of Bow—I thank the gentleman from Manchester for his suggestion, and I shall try to comply with it and attempt to submit a draft which the Legislative Committee may be willing to consider. I suppose it would be necessary, in order to relieve the legislative situation that the report of the committee be recommitted to them, and I therefore move

not concerned, but with right of appeal to either party to some other court. And the general court are further empowered to give to police courts jurisdiction to try and determine, subject to the respondent's right of appeal and trial by jury, criminal causes wherein the punishment is less than imprisonment in the state prison."

The report was accepted.

Question, "Shall the resolution, as amended by the committee, be adopted?"

Mr. Cullen of Portsmouth—I would like to know the reason, from some member of the committee, why it is necessary to amend and give the police justices more authority than they have at present.

Mr. Lyford of Concord—As a member of that committee, I

can make a statement in regard to this, but I hope the gentleman from Lisbon, Mr. Morris, will speak upon the subject.

Mr. Daley of Berlin—This question may result in more or less debate, and it seems to me that it would be impossible to close it at this time if this Convention is to adjourn in time for the people in the northern part of the state to take the train for home. If that is so, I wish that the resolution may be withdrawn from consideration of this body to-day, or at least in time so that we can go home.

The President—The chair would suggest to the gentleman from Lisbon, Mr. Morris, that the chair would not have taken up this report at this time if he had supposed there was to be much discussion. The chair believes that reports of this kind, involving discussion, should be taken up at a later time than at present.

Mr. Lyford of Concord—If the President will pardon me, the impression of the committee is that after the gentleman from Lisbon has made his statement of what is sought to be accomplished by this amendment there will be no opposition to it. If there does develop opposition to the amendment the question could be passed to some other day.

Mr. Morris of Lisbon—I think this should be taken up in a full house, when a full discussion of it may be had. I will state briefly the purpose of the proposed amendment. In the first place, I would like to have the members of the Convention notice that this amendment does not in itself confer increased jurisdiction on a police court. It simply authorizes the general court in its wisdom to do so if it sees fit.

Now, the question is upon the necessity of any such amendment to the Constitution. It is well known to the attorneys in the Convention and probably to most of the members of the Convention, that back in 1867 the legislature of this state assumed to authorize justices of the peace to take jurisdiction in criminal matters in cases wherein the punishment did not

sanatorium had already been built and was already in operation and was a purely business enterprise—not a charitable one. Another proposition was submitted to authorize a certain town to exempt from taxation certain summer homes—in a general way, all summer homes, I think, which were built in that town. Another town came there with a proposition to authorize them to exempt from taxation a hotel which had burned down. And several other propositions came before the legislature at the last session.

Now I say that this statute remaining longer upon the statute book will tend to bring all sorts of bills to the legislature by people who are trying to get exemption from taxation. It seems to me that this matter is all wrong, that it is a gross violation of the fundamental principle of the Bill of Rights that every man is entitled to equal protection before the law, and therefore he is bound to contribute his share for the support of the government.

Now, gentlemen, if you agree with me in this matter that this amendment should be recommended, then I ask you to vote against the adoption of the resolution which is reported here by the committee that it is inexpedient to take any action upon this question.

Mr. Pillsbury of Londonderry—I had not expected to address this Convention again during its sittings, but this is a question which is very important to the state of New Hampshire. It is not a question that should come before this Convention, but should be settled upon its merits in each individual case by the legislature of New Hampshire.

I disagree with the gentleman from Franklin in his statement that this is an exemption of trusts from taxation. It is a policy which has done more to build up this little state of New Hampshire, situated way back in the northeast part of our country, than any other one law upon our statute books. It has given to this state the largest industry in the state—one in which I am very much interested. It has given to this state the shoe industry—an industry in which there never will be, or can be, a trust. It has given to this state taxable property of immense value, because under the legislation of the state you can exempt no corporation for a term longer than ten years.

Now, gentlemen, I will bring up an illustration. In 1870 my father went to the town of Derry where there was an empty shoe factory, and was exempted from taxation. That fact induced him to establish himself in business there. People from other states came there, and a town was built up which to-day has a population of over 5,000 people. They have increased the taxable property until the town of Derry stands as one of the three or four large towns of the state. They have built up an industry there which is permanent, and which pays to labor over half a million dollars a year. They have added to the taxable property of that town on which the exemption has run out \$300,000. They have added over \$200,000 in property in buildings this year.



**manufacturers.**

As the gentleman from Franklin has said, instead of this law being used to induce new industries and new enterprises to start in a town, it has been applied more especially to the enlargement of business. If there is anything vicious in principle and vicious in practice, it is exempting property from taxation under the statutes of this state as it is practised to-day.

The shoe manufacturers, if I mistake not—and I am not speaking of any particular firm or any particular individual—the shoe manufacturers for the most part have been wandering Jews, going from place to place wherever they could get exemptions from taxes or other inducements. For instance, the town of Northwood. If I am not mistaken, that town exempted a shoe business from taxation for the period of ten years. I speak of the shoe industries, not because the business is not all right, but as I understand it they can easily pull up

and go from town to town. If I mistake not, the town of Northwood was practically ruined by exempting such property from taxation. Property went in there, men built homes relying upon the faith that these companies would stay there. I was a member of the legislature when a manufacturing company came before the legislature in 1885, asking for a second exemption for ten years. I remember that the honorable gentleman from Littleton, Mr. Aldrich, left the speaker's chair and came down upon the floor of the house and denounced it, and did what he could to prevent a further extension of that exemption. I remember that General Marston denounced the principle and did what he could against it, and more particularly against what has been done by certain branches of industries which could easily move from place to place.

Now, Mr. President and gentlemen, I do not believe a legitimate industry comes into a town, or refuses to come into a town, because they can or cannot get exemption.

I do not want to select instances, but I have in mind an industry which has not long been started and it has paid in a few years a dividend of from 60 to 100 per cent. Only a few years ago they made an extension, and asked and received further exemption. We hear talk against trusts, against favoritism to large industries and corporations, but yet if there is one instance where favoritism is permitted, it is here. An industry goes into a little town, perhaps, and asks for exemption, and as very often happens, a meeting is held—not a general town-meeting, but a special meeting, where the exemption is granted with a very few of the voters of the town present. I have yet to learn of a single instance coming under my observation where a single industry has been built where it would not have been built even if they had not been exempted from taxation. I presume possibly near the line of Massachusetts, if the laws of Massachusetts (about which I am not informed) do not permit these exemptions,—I presume likely that our law may have the effect of bringing in some industries along the state line. But it seems to me that the principle of the law is altogether wrong. It is exempting one class

**town and general government. Let us all bear our share of the burdens, and let no man be exempt.**

Now the gentlemen who have spoken have given some instances of how this exemption works. We have an instance right in Franklin, and I am going to bring it to the attention of this Convention. We have an industry in Franklin, capitalized at \$75,000. For two years it has paid 100 per cent. dividends, and last year it paid 60 per cent. dividend. This year that same corporation, earning its 60 or 100 per cent. dividend, wanted to enlarge its plant. It wanted to build two wings on to its plant. It came before the city council of my city, composed of nine members, and five of them voted to exempt that plant from taxation, or the additions that they might build on to them, for six years. That exemption was given them, and the plant has been enlarged, and the people of the town have got to pay the taxes that the rich corporation ought to pay. I am thoroughly in favor of having equal taxa-

tion, and I hope the resolution introduced by my colleague from Franklin (who is thoroughly competent and knows what he is talking about in this matter) will prevail and that the recommendation of the committee will not prevail.

Mr. Edgerly of Somersworth—I had not expected to say anything upon this resolution offered by the gentleman from Franklin. I had supposed that a resolution of this kind would meet with the approval of every member of this Convention, and I was surprised when the report of the committee came in adverse to it.

We are all familiar with what happens when towns and cities attempt to bring business into their locality by means of exemption of property from taxation. We have all witnessed its injurious effects. We have seen factories built by public subscription, and exempted from taxation for ten years, to induce industries to come into our midst, and when ten years have expired, and they could get no further exemption from taxation, they have almost invariably gone to some other locality, where they could obtain exemption for ten years more. There are numerous places in my section of the state that are to-day suffering from the effects of exemption of property from taxation. When an industry is induced to come into a town on account of a vote to exempt their property from taxation, it usually brings in quite a large number of people, many of whom are anxious to own homes. They have a few hundred dollars in the savings bank, which they draw out and pay towards such homes, and give a mortgage upon them for the balance of the purchase money. When these industries, at the end of their ten years of exemption from taxation, pull up and leave the town, it leaves these poor laborers, who are owing for their little homes, without employment, and utterly unable to raise the amount due on these mortgages; consequently, all the hard earnings, saved by them to pay for a home, are lost.

I am opposed to the exemption of any kind of property from taxation. It is entirely wrong in principle, and I do not

The only trust I have seen here is the lawyers' trust speaking upon this question, and it seems to me the gentleman from Franklin, Mr. Stone, is a little sore because he did n't get part of the 100 per cent dividend

The gentleman on my left has spoken in relation to the town of Northwood. He cannot be familiar with the reason why a shoe factory establishment cannot exist in Northwood. The competition in the shoe business is so great that you have to be on the railroad where you can get good transportation facilities or you cannot do business without exemption from taxation and that was the reason why the business was obliged to leave Northwood

Mr. Stone of Andover—Was it not true that a shoe industry in Northwood a few years ago came before the legislature and asked that a bill be passed permitting a further ten years' extension to it, on the ground that they should leave the town

of Northwood unless such exemption was given it, and that that bill was defeated, and they thereupon went to another town where they were exempt?

Mr. Pillsbury of Londonderry—That was true, but the reason they asked for the exemption was because if they did not have it they were unable to compete with business on the lines of transportation. That is a big consideration, and when a gentleman rises upon the floor and insinuates that the shoe business shifts from place to place every ten years he is stating what is not true. Take for instance Nashua. Estabrook & Anderson have been in Nashua for years, and so has Brackett, paying out hundreds of thousands of dollars a year for labor, building up the city of Nashua. And Manchester, which is about the eleventh city in the manufacturing of shoes in the United States, has come to that position on account of the exemptions she has given these shoe manufacturers. They came there because they could get exemption, and they have stayed and helped build up the city of Manchester. Exeter has profited by the shoe industry, and so have Littleton and Keene. And in these United States, with a gain of \$39,000,000 in the shoe industry in the last ten years, New Hampshire made the magnificent sum of over \$11,000,000, and made it because she had these laws, while Massachusetts, which has been spoken of as refusing to exempt new industries, has increased less than a million. The shoe manufacturers in this country, or in this part of the country, have come into New Hampshire because she had more just and equitable laws and they could compete better with the West in New Hampshire than in Massachusetts.

It is not a question of abstract principle as stated by these lawyers. I agree with them that no firm should be exempted more than ten years, and no firm should go from one town to another in New Hampshire in order to be exempted. I agree with them on that proposition, but I do not assent to the proposition that we can induce capital to come into this state from other states and assist us in building up taxable property here

lature, and I remember very well the contest before that legislature for the extension of the ten years' exemption to industrial enterprises in New Hampshire. I was opposed to that extension, but have been in favor of ten years' exemption of industries in our towns and cities, and have advocated and supported it by my vote.

I am to-day of a different opinion. The town of Newport has had experience in exempting industries, not only shoe industries, but other industries. The shoe industries we have exempted have not proved successful in all respects. We have raised money by subscription, installed the plants, furnished water-power for these companies, and after ten years have expired they come to us and say, "What are you going to do for us now?" We say, "We suppose you are willing to pay a fair tax with the rest of the people." But they say, "No, we can go to other places and get exemption," and they ask us to pay their taxes for them and take it out of our pockets. They

ask us to provide their water-power and buildings and all the facilities for their business, and to pay their taxes, and if we fail in one respect to do what they ask they hold over our heads the threat that they will move to some other place where they can get all of these facilities. So they ignore us and threaten constantly and continuously to leave after having taken the advantages we have given them of exemption of taxes, to say nothing about the stock we have subscribed and paid for and on which we have not received any dividend.

I say that I did start out as an advocate of exemption to these industries for ten years, and I have voted for it, and the industries have received their exemptions, but I have seen the working of the principle in its practice, and I believe that the effects of it are evil in the end.

There may be special instances like the one the gentleman from Londonderry, Mr. Pillsbury, has stated in Derry, and there may be instances in Manchester, but take the state as a whole I venture to say that the practice has been bad and it has not tended to the advantage of the state.

I hope the resolution introduced by the gentleman from Franklin, Mr. Leach, will not be defeated, and I hope that we shall not support the recommendation of the committee that it is inexpedient to amend. I am in favor of the Leach resolution and opposed to the recommendation of the committee.

Mr. S. W. Emery of Portsmouth— I hope we shall make no mistake here in the consideration of this question. It is true there is no rule which always works well, and some instances have been cited here in which the exemption of taxation has not worked well. But, Mr. President, I take it those instances are not enough to condemn the law.

If the principle of this proposition of the gentleman from Franklin, Mr. Leach, prevails it means that no more railroads, either steam or electric, can be constructed in this state which can be exempted from taxation in New Hampshire; it means that we can get no other industries to settle in the state which we now get by this exemption.



by bringing money and employment into the state, ought to be exempted from taxation. If you are going to pass an amendment of this kind you are going to discourage these people. You are going to discourage the railroad people and capitalists of all kinds. Does not that amount to anything? You are going to discourage the construction of great plants like these that I have mentioned in Portsmouth. I say, let us not be misled by any talk about trusts, or of instances where the application of this principle of exemption has not worked well. Let us not be misled by talk of principle and theory. We are here simply to decide a practical question in a practical way, and I hope it will be so treated.

Mr. Smith of Hillsborough—This principle of exemption may be false in theory, but it seems to me it has worked well in practice in New Hampshire. In the matter of shoe factories there may be some migratory shoe shops in New Hamp-

shire, but they are few in numbers and importance as compared with large establishments such as exist in Manchester, Derry, and Nashua, and which have been such an aid in building up those towns.

I have in mind another branch of industry. In the town where I live, Hillsborough, there are two establishments which were induced to come there in the first place by this tax exemption. They have gone on increasing their plant, and neither of them has asked for further exemption, although they have been continually adding to and enlarging their business and have been instrumental in building up the community, and have added a large amount of taxable property that would not have been there but for them.

I hope this report of the committee will prevail. I am not in favor of the resolution offered by the gentleman from Franklin, Mr. Leach.

Mr. Howe of Concord—Mr. President and Gentlemen of the Convention: I belong to the “lawyers’ trust,” so-called. This, gentlemen, is a Constitutional Convention called for the purpose of revising the present Constitution, as I understand it. It seems to me, gentlemen, that it is nothing to this Convention whether the legislatures of the past have enacted good laws or bad laws, or constitutional laws or unconstitutional laws. It is a question for the judicial department of the government to determine whether a statute is constitutional or not. Now the gentleman from Franklin, Mr. Leach, has said that the supreme court has twice, not exactly declined, but neglected to answer the question put to them, once by the house of representatives and once by the senate, namely, whether the provision of the statute by which manufacturing corporations are entitled upon vote of the town to ten years’ exemption is constitutional or not. As I remember those decisions, the opinions rendered by the justices were put upon the ground, as the gentleman from Franklin states, that there was insufficient time in which to consider the questions. The question was submitted to the court in each in-

passed upon by the supreme court. If it comes to such a point that some one wants to raise this question,—when a town votes to exempt a manufacturing industry,—a citizen taxpayer of the town can apply to the court and it will then be in order for the court to determine whether this statute is constitutional or unconstitutional. Until the supreme court has determined that question I think we best not tinker with the present Constitution.

Mr. Morris of Lisbon—This question is now before the supreme court of this state, in a case from Grafton county which has already been argued. I understand the court has, in an opinion which is in a comparatively recently volume of the New Hampshire Reports, expressed an opinion on the constitutionality of this law, and in favor of it. I understand the courts in other states have broken away from this principle, and that is the general tendency—to break away from tax exemption as it is not equality.

I have seen some of the workings of this law on a small scale. I have seen towns covered with forests and with valuable timber vote to exempt lumber manufacturers for terms of ten years. The plants were established in the towns, cut off the timber, and at the expiration of ten years moved away or failed, and the timber went with them. That robbed the towns not only of the taxes on the plants, but also robbed them of the taxes that should have been paid upon the lands. It robbed the towns of their forests, and, in short, left them in a very much worse condition at the end of the ten years. A law that permits any town to vote such an exemption is pernicious in principle and dangerous in practice.

Mr. Wason of Nashua—I have sat here and listened to the debate upon this subject with some interest. Like my friend from Londonderry, I did not anticipate the necessity of anybody speaking upon this subject. Listening to the remarks of several gentlemen, I have wondered if all the manufacturers in the state of New Hampshire were dishonest men; because it seems to be the spirit of the arguments of the majority of the speakers that a man will come to the city of Concord, or of Manchester, or some other town or city, and make a contract with that town or city that they will go there and manufacture and stay there if they are exempted for ten years, and then after the ten years, if they can, they leave. They lead the people to believe that they will have permanent industries in those cities if the business is a success, but instead of that when ten years has passed they forget their contract made when they desired exemption and leave the cities. Is not that dishonest, and are the manufacturers of the state dishonest? That is what the arguments of my friend from Franklin, Mr. Leach, and the arguments of the other gentlemen speaking in the same line would intimate. I deny the truth of these insinuations most emphatically. Our manufacturers are as honest as any man that sits in this Convention. I come from the second city of New Hampshire, a city that has been benefited and has prospered under the wise

Now, then, one word as to the suggestion of the gentleman from Lisbon, Mr. Morris, about the wood-working establishments depleting the forests of his town. I am astonished that the bright people of Lisbon would vote to exempt from taxation a plant in order to establish a temporary manufactory for the purpose of depleting the property of the town. If they did that, they need legislation to protect themselves but not legislation to deprive other places of the benefits they get from a wise use of this beneficent law. Certainly the people of Lisbon were wrong in their judgment, and my suggestion to him is to go back when this Convention adjourns, if it ever does, and to lecture to his neighbors and citizens in Lisbon and point out to them as clearly as he has to this Convention their mistake and their lack of wisdom, and I believe they will rally around him and do as he suggests and refuse to exempt such manufacturers or enterprises from taxation.

I would also speak of the shoe industry which has been

criticised considerably here. In my city we have large factories of that industry, and we have been benefited by them, as they have helped to build up the city of Nashua until it has become the second city in size in the state. Certainly Nashua has benefited by this principle of exemption.

One man suggested that he wanted every piece of property taxed equally. That is a big proposition, because each man in a city or town will see to it that his property is not valued quite as high as that of some other man.

But that is not the question here. The question is, what shall we decide to do with reference to amending the Constitution of New Hampshire in this respect. If the city of Nashua, or the town of Lisbon, wishes to exempt a manufacturer from taxation what harm does it do to you, or to the citizens of the other towns or cities. You are asking the cities and large towns to bear the burden of taxation, and we do not murmur at that.

Mr. Kent of Lancaster—We do.

Mr. Wason—Perhaps you do. We don't. Now we ask you to let us govern ourselves, and if a permanent manufacturing establishment wants to locate in the city of Nashua, let the taxpayers determine whether they will allow them to come free from taxation for ten years and whether the rest of us that are not exempt are willing to make up the little deficiency arising therefrom. It does not affect you from the town of Lisbon, or you from the city of Concord, or of Manchester, but it does affect the city of Nashua. How does it affect us? If that establishment comes there with a large number of employes who establish homes in the city, it increases the population of the city, it increases the taxable property of the city, and the state board of equalization then comes to us and they make us contribute more to the state and county taxes. In that way we are benefited, not only ourselves, but we are benefiting the county, and we are benefiting the whole state. We of the city who are taxpayers have to make up the deficiency from our own pockets, but

**Mr. Daley of Berlin**—I have the honor, **Mr. President** and gentlemen of the Convention, to represent Ward Two of the city of Berlin. In 1880 the town of Berlin had, if I remember correctly, a population of 1,142. At that time there was a small sawmill in what is now the city of Berlin. In 1885, the question was presented to the then town of Berlin as to whether or not it would exempt from taxation a corporation which desired to locate there, known as the "Glen Manufacturing company." The little town in its sovereign capacity voted to do so. That corporation in response to the inducements thus offered to them located in the town of Berlin.

That act on the part of that corporation, that act on the part of the town, formed the nucleus for the future city of Berlin, for an immense increase in the taxable property in the city of Berlin, and an enormous increase in the population, and an enormous increase in the amount of money collected

by taxation. This increase is a direct result of the law which the proposed amendment, introduced by the gentleman from Franklin, Mr. Leach, seeks to abolish.

To-day the population of the city of Berlin is in the neighborhood of 10,000. Twenty years ago it was only 1,100 and some odd, and up to 1885, when the Glen Manufacturing company first commenced the establishment of their plant, it was very little in excess of what was given by the census of 1880. So it resulted that in seventeen years from the time that manufacturing establishment came there, to the present time, under the magnificent operation of this law, the city has increased in population to 10,000 people. To-day there are several diversified interests in the city which are the direct result of this law.

I say further in answer to the gentleman from Lisbon, Mr. Morris, regarding the depletion of forests, that the forests in our town are depleting, but to offset that, within three months, one of the important corporations of the city of Berlin has purchased in Canada, on a tributary to the St. Lawrence river, an immense tract of timber land. They have purchased an entire township and are ready to cut, or go to cutting, that off, and all that timber is coming from Canada to be manufactured in the city of Berlin.

Now I want to know whether it is wise, taking this as a fair sample of the operation of the law, for us to come here and recommend a change in the *organic* law of the state which will practically cut off towns of that character from the privileges which they now enjoy.

Mr. President and gentlemen of the Convention, I trust and hope that the recommendation of the committee will prevail.

Mr. Stone of Andover—Just a word in reply to the gentleman who has just spoken. He has said that Berlin has increased to 10,000 in population. Very true. Why? It is the magnificent water-power, the forests of wood, and the peculiar adaptability of the surroundings and facilities of that



**facturing establishments will not leave Massachusetts and come into New Hamp-hire and establish themselves here unless they can see some advantage to themselves?**

Mr. Stone of Andover—I do not believe that any legitimate industry will hesitate to locate in a place because they are not exempted from taxation. If they can get exemption from taxation they will do so, but if there is a place where they can come and earn money they will build whether they are exempted or not.

Mr. Mitchell of Concord—The gentleman from Andover says that this amendment will not affect any property in the state except new property hereafter created. Gentlemen, that is the object of the law. The object of the statute is to encourage the increase of property and to make it applicable to property brought here and invested.

Now the view of the committee was this:

The Constitution provides for equality in the apportionment and assessment of taxes. If that prohibits this exemption it is sufficient. The ground on which exemptions of this character have been upheld, as I understand the decisions of the court, is the contractual rights resulting from the town's vote, and the investment of capital thereunder. Under the existing constitutional provision, with reference to equality of taxation, as I understand, it has never been judicially determined whether exemptions of this character are constitutionally permissible. If application was made to the court to enjoin the action of a town or city with respect to granting this exemption there could be a judicial determination of the constitutionality of our present law.

A town cannot now exempt any property in existence at the time the vote is passed. It can exempt new property only. The legislature should be entrusted with the right to withhold or continue the right to permit the different municipalities of the state to grant or withhold such exemptions.

New enterprises need all the legitimate encouragement that can be accorded them; and they should, at least, have all the means of encouragement now existing. Those should be increased rather than diminished.

Mr. Pike of Haverhill—Mr. President and Gentlemen of the Convention: I came in late and do not know exactly how the matter stands before the Convention, but I have heard enough of the discussion so that I want to give a little personal illustration. It is this: We have recently located a plant at Littleton, N. H. We were debating for some little time where we would build that mill and rather wished to locate it in Haverhill, N. H., but Haverhill would not give one particle of encouragement to us, and would not aid us by exempting us from taxation or do anything in that line. Littleton would, and we located our plant in that town. Up to this time we have put between thirty and forty thousand dollars into the property, we have from sixty to seventy skilled

**shops, and we tell them they had better go to Newport where the people are rich, as well as generous, and the result has been as told us by Mr. Richards**

Mr. Kimball of Bennington—Years ago the town of Bennington voted five per cent of its valuation to the railroad from Hillsborough to Peterborough and again they voted the same thing when the first term of years had expired. The second term expired with not better prospect that the road would be built. By and by the Manchester & Keene railroad started up, and we again voted to assist that railroad, thinking the Peterborough & Hillsborough road would never be built. When the Peterborough & Hillsborough railroad was built it passed directly through our village to Peterborough, while the other was a mile and a half from the village.

In a little while a gentleman proposed to come into our town to do business if we would exempt him for a term of

ten years. The thing was done, and he came to us, and during the time between the time that the railroad came and this business came into the town to the present, the number of tenements have doubled, and the population has largely increased. We have a thriving little community there to-day.

A year ago last spring a paper mill company, W. T. Barker & Co., of Boston, asked exemption to them for a term of ten years, and the vote of the town to exempt them was unanimous. To-day they are laying out for the purpose of a new mill which is to take the place of an old one, about \$250,000. We voted to exempt them on the improvements and the stock in trade, and we expect as a result of this exemption that the number of help employed in the new mill will be twice, if not three times, as many as in the old one.

I am a member of a small manufacturing firm myself, who with its predecessors have paid one hundred cents on a dollar on all our debts for the last forty years or more, and we voted to exempt the paper mill company, and I would vote again if I had the chance.

I hope the statute will remain as it is.

The question being stated, Mr. Lyford of Concord called for a division, which resulted in 260 gentlemen voting in the affirmative and 37 gentlemen voting in the negative, and the resolution of the committee that it is inexpedient to amend the Constitution in this respect was adopted.

On motion of Mr. Lamprey of Concord, the Convention adjourned.

#### AFTERNOON.

The Convention met according to adjournment.

(The President in the chair.)

On motion of Mr. Chandler of Concord, the Convention resolved itself into Committee of the Whole, to consider the various resolutions relating to trusts.

effect destroys, and it is intended by the promoters of trusts that such a situation shall destroy free and fair competition in the trades and industrial pursuits.

I rise at this late day in the session to discuss this great question with no small degree of trepidation. I shall be frank with the convention and say that it was my purpose, when coming here, to take part in the discussion of the questions relating to the principle involved in these resolutions and to limit my activity to these measures. But as you know, I have been drawn into some other matters. That fact, however, makes my sense of duty no less in respect to these various resolutions.

I am not standing before you as the paid attorney for or against any trust or corporate combination. My life for the last few years has been far removed from such relations. I am fully aware that the man who expresses the sentiments which I am to express this afternoon, puts himself in a situation to be affected by the influences which the great combi-

nations of our country throw against any man who raises his voice to speak what ought to be spoken. Therefore I am not speaking with a view of personal advantage. I am speaking, Mr. Chairman, from a sense of duty. I shall say what I believe, and with that, shall be entirely content.

I desire at the outset, Mr. Chairman, to invite the attention of this assembly to the recent utterances of that very distinguished gentleman in the West—the Federal Judge in the Seventh Circuit, if that is the Chicago Circuit, and I believe it is,—who is much talked of as the successor of the present Chief Justice of the United States, when that distinguished jurist shall retire, a very courageous and very learned man, who became famous, as you will remember, a few years ago in connection with the great strike in Chicago. I refer to Judge Grosscup. Judge Grosscup, a few days ago, speaking to the University of Nebraska, gave utterance to these startling words:

One-third, or more, of the industries of the United States have passed from the ownership of individuals, or local corporations, into the great bodies of property known as the trusts. Should the process go on until all our industries are thus consolidated, as many well-informed men now think probable, the so-called trusts will have absorbed nearly one-sixth of all the wealth of all kinds in the United States. Nothing in history, outside of the rise of the federal system, has left so striking a change in what may be called the personnel of ownership. If the process of the last few years goes on unchanged, the universality of ownership that characterized our past,—an ownership of our industries widely spread among the people,—will be all but lost.

Mr. President, if we are not there now, we are on the swift road to commercial despotism. Read the story of the fate of the republics of the past! Read the story of the Israelitish Commonwealth, the first republic of which we have any record,—and it was essentially a republic,—existing fifteen hundred years before the birth of Christ, where they had a constitutional provision, limiting the ownership of real estate to twenty acres, and other constitutional safeguards against aggregations. This republic existed for four or five hundred years but was finally brought under the dominating influence of property interests. One safeguard after another was broken until ninety-five per cent of the property and the

**Individual enterprise and competition in trade should be protected against monopolies which tend to hinder or destroy them. It shall be the duty of the legislature to limit the size and functions of all corporations, to prohibit fictitious capitalization therein, and to so provide for their supervision and government that they will be the servants and not the masters of the people.**

Is any gentleman going to stand up in this convention and maintain the negative of the proposition that it shall be the duty of the legislature to limit the size and functions of all corporations, and to prohibit fictitious capitalization? Who opposes that proposition and maintains before an intelligent people that fictitious capitalization, or in other words, watered stock, should be sustained as a principle in business? The resolution further declares it to be the duty of the legislature to provide for the supervision and government of corporations, so that they will be the servants, and not the masters, of the people. I am interested to see who will take the negative of that proposition, and maintain that the great corpora-

tions of the country shall be the masters, rather than the servants of the people. This resolution also declares that individual enterprise and competition in trade should be encouraged and protected against monopolies which tend to hinder or destroy them. Who will maintain in New Hampshire, or elsewhere, that individual enterprise or competition in trade should not be encouraged and protected, but hindered and destroyed by monopolies?

This resolution clearly states a great fundamental principle, in language which the people of this state will understand, and it clearly expresses a truth which the trusts ought to understand as one which rests in the heads and hearts of New Hampshire people. The form of expression employed in the resolution is satisfactory to me save in a single respect. The one suggestion I would make to the distinguished gentleman is that he so amend his resolution as to clearly express the idea of publicity. This may be a matter of detail and I do not insist upon it. Very likely it is better to leave it to the legislature to supply the details. But it is essential that the people should know, and that the government should know, how much the people are being cheated on the necessities of life, like sugar, and beef and oil, and hundreds of other things, and it is necessary that they should know what dividends are being made on watered stock.

This resolution proclaims a truth which, in my judgment, may properly be set forth, among the principles declared in the Bill of Rights, as a principle which should govern among men.

The resolution of the gentleman from Manchester (Mr. Starr), and that of the gentleman from Nashua (Mr. Ledoux), involve the same general principle and relate to the duty of the legislature, and undertake to confer upon that body further powers in respect to the control of trusts. These resolutions, as I understand it,—and I suppose it is a proper matter to be stated here,—were drawn by the distinguished and accomplished gentleman who was the representative of the great Democratic party in the last gubernatorial campaign. Mr. Hollis. Now while I do not speak in any political sense or partisan sense, because I believe this to be a business question and one of the most important ones that ever confronted the people of this state, I do say, that these resolutions, taken



control and regulate the acts of all corporations doing business within this state, and to prevent their encroachments upon the liberties of the people.

Mr. Chairman, the three resolutions to which I have referred, and which have been read, involve the same fundamental principle and may well be considered together.

At the outset, let me say, it is no answer to these propositions that the prices demanded now for the necessities of life are in some instances less than in former times. If by reason of improvements in machinery and in agricultural implements, the necessities of life can be produced at a less cost than formerly, it is the right of the people to receive the benefit of such improvements.

Some one may ask why a declaration of a natural right should be incorporated into the Constitution. The answer is that conditions have arisen in this country in the present generation which violate the natural and essential rights of the people, and there is the same propriety and the same duty

upon this generation of declaring against present oppression as that which rested upon our forefathers when, under different forms of oppression, they declared, as they did in Article 1 of the Bill of Rights that:—"All men are born equally free and independent," or, as declared in Article 2 of the Bill of Rights that:—"All men have certain natural, essential and inherent rights, among which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property," or, as declared in Article 82 of the Constitution, that it shall be the duty of the legislature to encourage commerce, trades, and manufactures, or, as in Article 10 of the Bill of Rights, that:—"The doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind."

Now, then, we have what we call jurisdictional lines between the governments, lines which separate the powers of the state governments from those of the federal government, and which exclude the states from the control of some things and the federal government from the control of, or interference with others, and which leave some things to be dealt with and regulated by the federal and state governments concurrently. It is, therefore, a question whether the remedy for the evils we are considering, lies with the federal government, or the state governments, or in part with each. By making this declaration in the fundamental law of the state as a concrete proposition on which the people of New Hampshire insist, we help ourselves by helping others situated as we are in respect to these great industrial questions; we help other states; we help our senators and our representatives. The people of other sections of our country cannot come to New Hampshire and go from house to house to see what the people desire, and the congressmen of the country cannot read all our newspapers to get the consensus of opinion with reference to this matter, but they may well look to the constitution of the state to see whether New Hampshire insists that there shall be free, fair, and open competition in the trades and industries.

And so far as the will of New Hampshire weighs, we help Congress, which must grapple with this question; and so far as the will of New Hampshire weighs, we help the man who at this moment is presiding over the des-

states to regulate or deal with business transactions relating to commodities coming from other states may be wrested from the state governments by an act of Congress authorizing the organization of corporations, to transact interstate business and deal with interstate commerce. He bases his argument upon a noted decision of the Supreme Court, which many of you know about,—the United States Bank case,—in which the doctrine is held that the federal government may maintain United States banks. He argues, in effect, if that is so, that Congress may well, under the power conferred by the states, establish corporations for the transaction of interstate business and that then the whole subject will be beyond the control of the states and in the hands of the federal government.

Mr. Chairman, under our system of government, all rights not expressly conferred upon the federal government were reserved to the states; and I trust the doctrine will never be established that all phases of the subject and all questions as to the manner of dealing with commodities produced by the

various states—the oil, the coal, and all the products which become the subject of interstate commerce, are wholly and exclusively within the power and control of the federal government.

For this reason I say it is the imperative duty of New Hampshire to declare now that she insists, so far as it is in her power to insist, that the trades and industries shall be open, and free, and subject, certainly, to incidental control by the state.

The declarations proposed as amendments to the constitution relate to commerce, and commerce is expressly made a subject of protection by Article 82 which I have read, and present conditions—present oppressions, demand that we should more distinctly declare in favor of free competition and against monopolies in respect to the industries and the commerce which affect our state. The purpose involved in the proposition, which I urge, is disassociated from any supposed attack upon any particular interests here, and, so far as I am concerned, it will be discussed upon such lines.

The resolutions under consideration are not factional, and this is not a factional discussion. It involves no attack upon our great manufacturing interests or upon our great railroads that cross the state from sea to mountain. We commend our local enterprises engaged in the development of the resources of the state, and it is believed that they are equally interested with others in maintaining the great principle under discussion.

Nobody complains of trusts in New Hampshire. It is of the influence of outside trusts upon New Hampshire interests—the control of commodities which come into the markets of New Hampshire and which have a right to come into the markets of New Hampshire, that we complain. A railroad system limited to New Hampshire is not a railroad trust; but the proposition to put into one combination all the railroads of the country, which is the proposition involved in the great scheme of monopoly now going on, would be a railroad trust, and I imagine no gentleman would stand up here and advocate that kind of combination.

Now I wish also to say that my remarks will not only not be factional, but will have no reference to any particular

- who consumes sugar, or deals in sugar, is likewise interested. The same is true of beef and of pork. Every man who wears shoes, deals in shoes, or makes shoes, is interested. The great concerns that use copper in connection with electric lights
- and the telephone are interested. The great railroads that consume coal in their railway works and in their locomotives are interested. It is, therefore, no answer that the trusts are largely outside the state. We are affected by them wherever they are. The Revolutionary Tea Party was not in New Hampshire, it was in Boston. Citizens were not shot down by British soldiers surrounding the Colonial Assembly at Exeter in New Hampshire, but in King Street in Boston, surrounding the Colonial Assembly of Massachusetts, yet New Hampshire's interests were affected and it was their general policy to uphold the cause of the people of all the colonies. Human slavery did not exist in New Hampshire, yet New Hampshire declared against it. Secession was not in New Hampshire, yet she poured forth her money and her men to maintain the Union and to establish Federal authority, and

the same duty is upon her today to engage in a peaceful war against the wicked and criminal monopoly of the trades and industries of the country which affect her people in common with the people of all the states.

The commodities to which I have referred and hundreds of others become the subject of commerce between the people of the different states, including New Hampshire, and any combination destroying free, open, and fair competition is in violation of the rights of New Hampshire people. The principle of free, open, and fair competition in respect to subjects of interstate commerce casts its protecting lines around every community and into every home in New Hampshire, and it is a protection that we are entitled to have.

Here is an essential right prostrated, as I shall show you further on; the independence in trade and free competition is so far gone from the people in this country that it can never be restored except through the power of the governments of the states and of the Federal government. No man can wrestle with these great combinations. This is oppression that falls upon all the people alike, and it is, therefore, the duty of the government of the state and of the Federal government to take the initiative and restore this important business principle to the people. The essential truth which has been buried under an avalanche of monopoly and oppression, should, so far as New Hampshire is concerned, be here resurrected and proclaimed as a fundamental principle. It is no answer that the legislature *may* have the power now. The question of legislative power under the constitutional grants and limitations, is at least a debatable one, and the fact that it is debatable, is fatal to vigorous and resolute action. The question of power should be distinctly and emphatically put above all questions of debate or cavil. It is, therefore, no answer, that the legislature *may* have the power. Fair competition, as has been said, is an essential principle in business which has been buried beneath an avalanche of corporate trust combinations—so far buried that business cannot restore it, and it should be resurrected by a Constitutional Convention and the people should ratify this principle. This principle should be asserted in a concrete form so that the legislature of this state, and the legislature of every other state, will understand that it is a principle upon which New Hampshire insists.

**ways.**

Disregarding the principle involved in the rule to which I have referred in respect to personal ownership of estates, our legislatures early adopted the policy of creating corporations without any limitation as to life or time of existence, except to reserve to the governments the right to alter and amend charters as justice might require in order that the interests of the public should be protected. The effect of such a policy, of course, was to allow, not for a life, or lives in being, and twenty-one years, but forever, the perpetuation of great aggregations of wealth through corporate organizations, subject only to the limitation or the qualification in respect to the public right to which I have referred as involved in the right to alter and amend the charters or organizations.

Now, it followed, very soon, that corporations, disregarding the policy of the government in respect to the statutory reservation of the power to alter and amend in the interests of the public, and for the purpose of making the statutory reservation for purposes of regulation, difficult of enforcement, be-

gan to tie themselves up with other corporations—not at first for the purpose of controlling everything in a given line, but for the purpose which I have stated. This was first done by tying up for twenty years, then for ninety-nine years, and now, in order to deprive the government of its right to protect the people under its reserved power, and to make trust domination more absolute, they have recently adopted the idea of associating themselves together and tying themselves up for nine hundred and ninety-nine years. There is an organization of interests in New York, aggregating \$200,000,000, where four or five corporations entered into a trust and tied themselves up for nine hundred and ninety-nine years with agreements to pay themselves seven per cent. The dividends are to be earned from the public. That is the way they deal with the reserved public right!

Under the doctrine of eminent domain, corporations get the right to do public business,—run over land and through houses in the prosecution of the public right, and then to render inoperative and to destroy the rights of the public,—the control and the power of the government in the interests of the public,—they proceed to mix themselves up with guaranties to themselves for nine hundred and ninety-nine years. That is a fearful exercise of a public function! There is no thought of the public good, or of the public right, except to confuse, impair, or destroy them.

These schemes are entirely commercial. There is not only no thought of the public good or the public right, but no respect for the government, and no thought of the government, except to break down and render inoperative the reservations which it has made in the interests of the public.

A very distinguished lawyer and accomplished gentleman, Mr. Rose, President of the American Bar Association, recently said in an address before that body, that:

We have at present more than four thousand monopolies, to say nothing of price and rate-fixing and profit-sharing pools, with buying and selling agencies, exercising functions similar to those of the trusts, all organized for the purpose of fixing prices arbitrarily.

Think of that! Four thousand great trusts, embracing all of the more important industries of this country and nearly all of the necessities of life,—many diverse inter-



**all the business and furnish all the necessities of life to the many at a less price than they can do it themselves. It is natural for men to do business, and no community would put all its business into one man's hands, allowing him to do all of it, and rest peaceably, because he claims that he can do it cheaper than they can do it themselves.**

Such greed for power and for commercial control threatens trade, threatens civilization, threatens the very existence of government. The remedy is largely with the states and resides largely in a bold expression of public sentiment.

As I have said, the states reserved to themselves all powers to govern and regulate business and to protect the people which were not conferred upon the general government. Contracts in restraint of trade have for centuries and everywhere been held illegal—illegal both under federal and state law, and under the law of all civilized nations.

This idea is the basis of the Sherman Act. The Sherman Act was directed especially against contracts in restraint of trade.

Now my assertion is, that combinations—and here is the point—combinations in restraint of trade are in spirit and in effect the same as contracts in restraint of trade, and it requires no stretch of that doctrine to declare combinations for such purpose against public policy and illegal. Let me ask you if the effect is not the same—if the contract of two men in restraint of trade is illegal as against public policy, upon the same vital principle, is not a combination of corporations, entered into for the same purpose, as much against public policy and may not a situation created by such a combination of corporations well be declared, either by federal or state law, to be against public policy and one which will not be upheld?

I am one of those who believe that every government has the inherent power of self-preservation—and the inherent power of protecting its people, and I believe the states may deal directly with some phases of this subject.

It has always been said that we will not enforce contracts in restraint of trade. It may well be said, that we will forbid combinations in restraint of trade. The general government may regulate interstate commerce. It has always acted upon the idea that it would not enforce contracts in restraint of trade. It may, as well, forbid combinations in restraint of interstate trade and declare that it will not tolerate combinations in restraint of free competition in interstate commerce.

In more than one great crisis, which has directed the attention of our people to some particular clause in the framework of our general government,—to some particular phrase in the fundamental law, we have had occasion to marvel at the wisdom and the forethought of those who framed our constitution. It is said that both Gladstone and Bismarck—the two most noted modern European statesmen—have declared that in their judgment the men who assembled to work out a system of government in this country—I think they were referring to the constitution—were the greatest set of men ever assembled for such a purpose since the world began.

The framers of the Federal government put into the constitution the provision that Congress shall have power to regulate commerce with foreign nations, and among the several states. Mark the word! Power to “regulate” commerce. Not power to grant free and unbridled immunity, not to guarantee

**nations to create a monopoly and to destroy competition shall not do business outside of the state where they are created. That is to say, that while it lies with the states to alter, abridge, and limit the corporations which they have created, and to confine them to a legitimate prosecution of the enterprise for which they are created, if they fail to do it, and if the great corporations of New Jersey, and other states I might name, assume to arbitrarily destroy competition and to control the necessities of life and to furnish the people of other states with commodities at their own prices arbitrarily fixed, the Federal government under this provision of the constitution, may declare, through an act of Congress, that interstate commerce shall not be conducted in that way; that it amounts to a conspiracy against the rights of the people.**

**Congress may well declare officials of corporations conspiring for such a purpose and doing business outside the state, to be guilty of conspiracy against the people, and that upon proper proceedings, that they may be dealt with in the courts.**

**The trust combinations are running wild. They seem to**

recognize no law, save the law of selfishness. They are all, in fact, exercising a public function, because they are, in fact, created by legislative enactment. The oppression is upon all the people. The people must get their redress through government, state or federal. No individual, no business concern is strong enough to grapple with this situation.

Now, Mr. Chairman, it was said more than two hundred and fifty years ago by Lord Chief Justice Hale that when private property—he was talking about private property—when private property is affected with a public interest, it is subject to government control so as to prevent imposition and extortion. This rule still more clearly holds good in respect to corporate rights, rights created by law. Upon the principle, stated by Lord Chief Justice Hale, power to justly regulate and control all corporations and to protect the public, unquestionably resides in the state and federal governments. Every corporation doing business is affected and qualified by the public right because they are created by the public through law. They are therefore exercising a quasi-public function and may, and should, be regulated by the public through law.

Corporate rights are not natural or inherent rights. They are rights founded upon law and qualified by law. Every property right created by law is a qualified right, and may be so regulated that it shall not impose upon the public.

I shall not read much law. I shall only refer to three or four decisions of the Supreme Court to show the power of governments to protect the public right, residing in corporations created by law and exercising a quasi-public franchise. The proposition of Lord Chief Justice Hale, uttered two hundred and fifty years ago or more, has been approved by the Supreme Court of the United States in a somewhat recent case. (*Munn v. Illinois*, 94 U. S. 113.) After stating that doctrine, the court proceeds to say at page 125:

Under these powers [inherent in every sovereignty] the government regulates the conduct of its citizens one toward another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good. In their exercise it has been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, etc., and in so doing to fix a maximum of charge to be made for services ren-

**employed, may be withdrawn or reclaimed by the state in such way and by such means of procedure as are consistent with law.**

Mr. Chief Justice Fuller, speaking for the Supreme Court, has recently said:

The right to contract is not absolute but may be subjected to the restraints demanded by the safety and welfare of the state. (Railway v. Paul, 173 U. S. 404, 409.)

Chief Justice Shaw ,the greatest judge, perhaps, that ever lived in this country, save Marshall alone, many years ago laid down this principle:

Rights of property, like all other social and conventional rights, are subject to such reasonable limitations in their enjoyment, as shall prevent them from being injurious, and to such reasonable restraints and regulations established by law, as the legislature, under the governing and controlling power vested in them by the constitution, may think necessary and expedient.

This doctrine was referred to and approved by the Supreme

Court of the United States in *Holden v. Hardy*, reported in 169 U. S. 366, 392.

Now, Mr. Chairman, the dominant idea in the country is that commercial equilibrium shall be restored. No one would destroy corporations or deal unjustly with corporate property. No one would advocate the absolute destruction of trusts. It is only proper regulation and proper conduct that the interests of the public require. Combinations may be necessary, and are necessary, for legitimate purposes, but they must not overthrow competition. No one objects to a great corporation whose purpose it is to develop a line of industries. The objection is to the control of all industries in a given line and the arbitrary fixing of prices.

Now, in view of the decisions I have read, think for a moment of the steel trust, under whose domination, American iron and steel are so absolutely and arbitrarily controlled and dominated that iron and steel can be bought by English railroads, delivered at Liverpool, cheaper than American railroads can buy it on the cars at the mines or mills. Think of the beef trust and of the leather trust and the flour combination!

I want your attention for a moment to the beef trust. To-day the prices of beef are such as to be practically prohibitive, with probably ninety per cent of the American people. No laboring man, no artisan, no ordinary man in the professions can afford the red meats, even once a day, if he has anything of a family.

You will pardon me if I speak of a personal experience. Yesterday, for my lunch, I went to one of the Boston hotels, and it was not one of the most expensive ones either. I had two lamb chops. They were not larger than your thumb. I had boiled eggs and dry toast. When the waiter brought me the check, there was an item of two chops, seventy cents. I said, "Waiter, show me a printed bill of fare with two chops charged at seventy cents." I recalled that chops a few years ago at this season were forty cents. The waiter came back with a bill of fare and there was the price, two lamb chops, seventy cents. I said, "What does this mean? I want you to go to the management and tell them I want to know why two chops cost seventy cents." The waiter went out and coming back, gave his answer, "It is the trusts. Meats are higher than they used to be."

**Think of the Standard Oil Company. The last annual dividends on a capital of one hundred millions were forty-five million dollars—almost one-half as much as the capital stock. The total dividends on a capital of one hundred millions in six years are two hundred and thirty-seven million dollars. Now there is oil enough, and there is nothing in the conditions of today that interferes with the production of oil, or that increases the cost, but something has happened in the anthracite coal fields which makes it necessary to burn oil in the steamships driven across the ocean, and for people to burn oil in their little oil stoves which they are obliged to use in the place of coal stoves to keep themselves and their children from freezing, and the same lack of coal has made it necessary for the railroads, or some of them, to use oil in operating and driving their steam locomotives across the country, and in view of this necessity and through the might of absolute domination, the Standard Oil Company puts an additional twister on the nose of the American people and adds a cent a gallon to the price of oil, giving themselves in return a**

swoop of eight millions a year in addition to their forty-five millions—in other words, the forty-five million dollar dividends are increased by eight million dollars by reason of the necessity caused by the coal strike. Did the Maker of the universe, who distributed oil through this earth to light and warm the people, intend that one concern should monopolize and control it, or so use it, as to extort unreasonable and unjust profits from the people? Never! Was it ever intended by any legislature that any one man, or any concern under the domination of any one man, under a public franchise,—under a right that he gets from the government,—should get control of such a necessary of life, and so operate and control it that it may divide forty-five million dollars a year, extorted from the people? Never!

Must this condition go on eternally? If so, what will be the end? Trusts dividing, on a capital of a hundred millions, fifty million dollars or more a year profits, realized from an arbitrary grasp upon a leading necessary of life which must distribute itself among all the people! It need not necessarily go on. The public right may be protected. Under the power of legislative supervision and control railroads, as is well known, are restricted in their freight tariff rates and are compelled to sell mileage in many of the states at two cents a mile and in others for less. Upon the same principle, corporations dealing in the necessities of life, may be restricted in their earnings and their dividends. The legislatures of the states of their creation may unquestionably restrict them, and Congress may doubtless restrict such as are engaged in interstate business. There is no reason why the Standard Oil Co., operating under law,—under a franchise, should be protected in dividing fifty million dollars a year, arbitrarily extorted from the public upon a leading necessary of life.

It is a harm to the public. It is a greater harm, yes, it is indeed a danger to the title of the combination which is controlling the product and reaping such vast and enriching harvests.

Such a condition disturbs the equilibrium of affairs among men. It becomes a disturbing element among people living under the same government. In time, such conditions, unless checked, will result in numberless, colossal aggregations of billions upon billions and again billions and billions upon



earth and turn all others off.

Now, it is clear enough that it is within the power of the states, if they see fit, to limit and qualify the business of corporations of their creation, and if they fail to do it, that under the inter-state commerce provision of the constitution, they may be regulated by the general government.

Now, who is the conservative man? Who is the man upholding vested rights? Is it the man who stands up and demands that the people shall have a fair deal and that business shall have a fair chance, or is it the man who proposes to wrest business from the public and from its natural channels and put it into the monopoly of a few? I say it is the former. The men who assume to dominate all of the commodities in one line, impair or at least hazard their own title. Those who propose to dominate arbitrarily business which concerns the public generally, make their own title defective by offending the just sensibilities of a tolerant people,—a people which may not always remain tolerant.

As I have said, this is not a party question. No one party

can regulate it, but when the people make up their minds in earnest to deal with trusts through the government, state or federal, it will be a fair deal but a drastic one.

The right to trade and do business is a natural right and history shows that people have always been sensitive to encroachments upon their natural and inherent rights. Why should a man want to control all the sugar or all the coal or all the oil?

I am reminded here of a story told by my friend, Judge Weldon, of the Court of Claims in Washington. He was an intimate friend of the sturdy Oglesby, who was Governor of Illinois. Soon after Oglesby became Governor, a rural member of the legislature came to him and said, "Here is a measure you must veto." The Governor replied, "I do not want to set myself up as a veto Governor in the first week of my official life." "The bill must be vetoed," said the representative, "here is something that was passed through the Senate and the House and I never heard of it until it had passed both branches." "This measure," said he, "gives to John Smith and John Jones and John Brown, who claim that they have an improved process for making cheese, the right to make all the cheese in Bureau County." The member said, "That is my county and is a great agricultural county where they make two hundred tons of cheese annually, and it will ruin me politically and in every other way if this bill becomes a law." The Governor said, "You should have attended to your business and seen that it did not pass." The representative insisted that it must be stopped and the Governor insisted that he did not want to set himself up as a veto Governor the first week, and finally the legislator went away distracted. After he had left, the sturdy old Governor said, "It will not do to let that go. I will write the veto message now." He took his pencil and a sheet of paper and wrote, "House Bill, Number 9, is vetoed: They make two hundred tons of cheese annually in Bureau County and John Smith and his two associates have no more right to make all the cheese in Bureau County annually than they have to eat all the cheese in Bureau County annually." The laconic reasoning of Governor Oglesby in respect to the right of John Smith and his two associates embodies all the philosophy and all the logic of the argument against monopolistic control.

sary to a successful shoe business. They not only compel the manufacturer to buy one machine, but all shoe machinery of them. Not only that, but they compel the manufacturer to give up good machines,—to surrender property they have, by withholding necessary machines which they control until they do it. They have a general department, a lasting machinery department, a metallic department, a heeling department, and in each of these departments is controlled the competing machinery pertaining to that particular part of the shoe business, and a manufacturer has to deal with them in order to get machinery to make shoes. They not only compel all this, but they compel the shoe manufacturers to buy their nails at double the market value and to buy their wire, which they control; and the machines are so made that they must use their wire, and their nails, which they force upon manufacturers at double their market value. But the most offensive part of the whole thing is the idea that they compel the manufacturer to displace hand work and to use their machines. Think of that! Is any gentleman going to stand

here and say trusts are right when one concern has absorbed, and boasts of the fact that it has absorbed, all competing shoe machinery which it forces upon the manufacturers for seventeen years at extravagant prices, and by means of the monopoly, drives hand labor out of the shoe manufacturing industry and its machinery in?

Now, I will refer only to the general phases of the coal situation, and only briefly to the coal strike, the coal combine and the coal operators. The coal operators were exercising a quasi-public franchise—I speak, of course, without any reference to the underlying merits of the strike, and refer to the situation merely to show the terrible power and the terrible danger of such arbitrary and colossal concentration in respect to a product which has become a necessary of life among the people. So far as warming this country is concerned, they might as well have owned the continent. They were in control of the anthracite coal fields, operating a quasi-public franchise, and in control of a business which was to provide fuel necessary to warm the homes of the country towns and the homes of the great cities, and coal necessary to drive the machinery of the great manufacturing industries, and of the great railway and steamship systems of the country. They got into trouble with their help. A strike was on. A frigid winter was approaching. Alarm was widespread throughout the country; consternation was in every home and in every industry. It was not only a question whether the great industrial pursuits and the railroads and the steamships should stop, but whether the people should freeze. And when asked by the President of the United States to waive, for the time being, the question of abstract right, and to submit their controversies with a great body of men to arbitration, they, in utter disregard of the great question of necessity,—in utter disregard of the moral and humane phase of the crying situation,—stubbornly refused, and coldly held their franchise against a distracted and freezing people, and, even at the moment the President of the United States was urging arbitration upon grounds of humanity, they demanded of the state of Pennsylvania ten thousand soldiers to shoot down Americans with whom they were disputing a question of right.

This conduct of the coal operators involved a terrible exer-

do business under the government, and that it would not be safe to freeze the American people in a body.

The abstract and arbitrary attitude wavered and went down under the weight of the sentiment and moral force of a united people. Insistence upon the exercise of a quasi-public function as an abstract and absolute right, for the time being, reluctantly yielded to the mighty will of an indignant and outraged people.

That is the moral of the coal situation, and it shows the importance of a declaration like the one under discussion. Let us show the world in unmistakable words where the sentiment of New Hampshire is as to such a monopoly of a necessary of life.

Look at the copper trust. That great trust is ruining all competing corporate enterprises and is putting the screws to prices and to the industries which require copper in their works. Competition is being destroyed and copper stocks in corporations outside the trust have dropped to a mere fraction of their former prices.

Now there is no purpose in the hearts of the American people to deal harshly with the legitimate exercise of corporate rights, however large the corporations, or however extensive such rights may be. It is of the abuse through the improper exercise of corporate rights that the people complain, and it is the violation of the rights of the public that is objected to.

Look at the schemes for putting shipping into trusts! Look at the schemes for putting the railroads of the country into trusts! Look at the thousand and one schemes for getting a dominating control of all business and all commodities in a certain line! I have no time to refer to them in detail. There is absolutely no regard in these schemes for the government under which they hold the corporate right, and under which they claim protection, nor is there any thought of the consequences to the welfare of other men. The only thought is to devour, absorb and control. They do not seem to realize when they have enough. There is no greed so gross except that shown under the brutal law of the fishes of the sea, where the larger ones devour the smaller of their own kind under the absolute rule of might.

The dominating idea in this country, as I have said, is to find a remedy against the evils of monopoly and one which will restore healthy competition in the trades and industries.

Now, what is the remedy, and how is it to come? The remedy is through the governments, and the governments should interpose and take the burden of providing the remedy, because the oppression rests upon all the people alike. But the people must do their part.

Regulation, as I have observed, does not involve destruction. I am aware of the fact that there is danger to any political party which assails these great interests. There is the liability of a great many influences being thrown against such party. So I say, as I said in the outset, that it should not be a party question. Both the great political parties of this country should be in accord on this question. This is a business proposition. It is a question whether the business rights of the people shall be restored. Both parties being in accord, they should be in earnest, and should not make this a question of party politics, for it is not a party question. The party that is not in earnest upon this great question, involv-

selves.

I repeat that we are being swiftly drawn towards commercial despotism, but the people will surely make a stand before the sway of such an empire is fully and firmly established.

Under a government founded upon the will of the people, capital had better be conservative rather than push advantage too far, lest it reap the whirlwind. Promoters can more safely deal justly with a people tempered with tolerance, than unjustly with an outraged people filled with wrath.

The law is in the hands of the people, and the government is whatever the people, under constitutional limitations, choose to make it, and, as I have already said, a government of the people goes no farther than the people demand. The state governments are strong, and the general government is strong, and whenever the people choose to assert their rights, so far as they are involved in corporate existence created by law, the reserved power of the governments to alter and amend in respect to public rights entering therein, is sufficient to regulate the business and industries as they should be regulated, and protect the people as they should be protected.

The people have been sleeping upon their lawful rights; they have been disposed to be tolerant. They have freely accorded to corporations full opportunity to prosecute their enterprises and declare generous dividends. They are, however, awakening to the idea that their tolerance and indulgence is being abused, and that they are being robbed of their most precious rights. Whenever the people of our country become fully apprised of the fact that their rights are being prostituted by a criminal commercial greed, and through a conspiracy to destroy legitimate competition in the trades and industries, they will arise in their might and assert their lawful rights through a constitutional government created for their protection.

Whenever this day comes—and it may come quickly—the corporate combinations and the immense trusts, with their stupendous aggregations of wealth, can no more stay the will of the people of this great country through the money influence of unwholesome aggregations than they could turn back the onrushing waters of the mighty Niagara with a riding whip.

The rights of the public, Mr. President, will not be ascertained and re-established through a bloody revolution, as some think. Bloodshed will not be necessary and an intelligent civilization would not permit it; but, when the time comes, the result will be reached with terrible swiftness and complete effectiveness through the determined and intelligent will of a great people, asserted under the beneficent and wholesome spirit and ample forms of constitutional law.

One word more, and I am done.

I wish that every intentional wrecker of the public rights and the rights of the people might be made to know, that a New Hampshire Constitutional Convention has unanimously declared against the slavery of criminal monopoly, and that individual enterprise and free and fair competition in the trades and industries is an essential truth which the people will maintain.

Mr. Casey of Concord—Mr. President and gentlemen: In regard to the regulation by the legislature of trusts, I am heartily in accord with such a movement, and I believe it



tate to those countries as well as the United States. Last summer when the price of beef was advanced the people were dumbfounded at the steps taken by the beef trust. Denunciations were hurled at the combination from all parts of the country until it was so well agitated as to cause some of the authorities of a few of the states to take up the matter and signify their desire to do something to curb the insatiable greed of the beef trust magnates. From what I could see there was no unusual condition in this country or in foreign countries to warrant such steps on the part of the trust. They imagined that the people had a few dollars that they could not take care of, so they came to the conclusion that they would extort it from them and add it to their immense wealth so they could endow some university with a million or two, in order that their names will be handed down to posterity for their philanthropy, by the money extracted from

the people. I hope the resolution presented by the gentleman from Concord, Mr. Chandler, will be adopted by the Convention.

Mr. Kent of Lancaster—There is little that can be said, in the presentation of this matter, in the drawing of legal conclusions or in the analysis of the practical operation or formation of these trusts that has not already been said.

I have no desire to take time and I shall certainly do so but a very few minutes. It does seem to me fitting, however, that, feeling as I do, I should speak with reference to the enormity of trusts and the evils they have forced upon the people of the United States.

Now, Mr. Chairman, it cannot be otherwise than understood in a free republic like ours that individual independence with competition and the exercise of individual rights are the basis of our prosperity and independent character. Every man has the right inherently to buy where he can buy cheapest and sell where he can sell best. Every man has a right to produce, and it does not, in my judgment, follow by any means that because a large corporation can produce things cheaper than the individual it is better to give up producing by the individual and produce wholly by means of the large corporation. I believe in the New England of olden times, when the farmers, instead of raising one or two different products upon their farms, raised all things necessary for the support of their families and did all the things that went to make business success in life—I believe in those times that that farmer and that man was more independent, not only in the matter of making money, but in all that goes to make up a successful life, than the farmer of to-day, who produces only one or two things and buys most of the necessities of life.

It seems to me that the formation of character is an important part of the development of the county, region, or state. New Hampshire, when she was more self-reliant than to-day, may not perhaps have made so much money, but when she was thus more self-reliant in all the essentials of life and

**spending and greed in the acquiring of property.**

I do not believe that a community is ever really benefited by the formation of a class of extremely rich and another class of extremely poor. I believe that property more equitably distributed and a community where few are exceedingly rich, and none are distressingly poor, is the ideal condition of society.

We are not here in any degree to denounce wealth properly accumulated. I recall in the legislature of 1868 that a great question of railroad extension and change came up for discussion, the proposition being to unite certain roads that were weak and almost helpless, and it was understood that the result would be the formation of a strong combination able to extend railroad facilities to other parts of the state then poorly supplied. I had something to do with that contest, advocating the consolidation. As a result of the action of that legislature railroads were extended to the northern part

of New Hampshire, to my own town of Lancaster, and up to connect with the Grand Trunk railway. Immediately a great development began and the people of the northern part of the state were benefited by that combination. There was a union of capital which was thoroughly beneficial to the people. Later, in 1883, another railroad contest arose in the legislature, and again action was taken which unified existing roads and gave greater facilities to the people. It gave the people local development all through New Hampshire, when instead of having conditions where in order to move freight or passengers one would have to pay two or more local rates for local business, and instead of having such conditions, that business men were obliged to pay a local freight in addition to through freights on produce from the West, the consolidation brought about a condition where New Hampshire was accorded the same privileges of through business as the large cities of New England, and where local business was done by one corporation at one local rate. And again the north country has taken a start and the railroads have again extended into the woods, to the lakes and mountains, and again was illustrated the effects of a proper union of capital and facilities. Again was illustrated the fact that such union was a benefit to the state.

We have in the north country numerous hotels and boarding-houses. The last hotel built is the most magnificent of them all, a house capable of accommodating 500 people, and the most superb hotel in the Union given up to summer business. All these accumulations of wealth are proper, and a benefit to the community and state, and the people of the state are not antagonistic to those combinations in the least. They help to develop business, they furnish markets and aid prosperity. All that, I believe to be a proper way of using money and capital. I believe, too, that the associations that come from our greater development from travel into the state, the associations of people from one section of the state with those of another section, and of other states, are a great benefit to our people. All things that aid in this direction are a legitimate use of capital.

**economy which should exist in the state.**

I believe the state is for its people. We are interested in maintaining the old characteristics of the state; we believe in maintaining that character of New Hampshire exalted and exemplified since the days of the Puritans. It is true that New Hampshire has changed in many ways as well as other states of the Union, but I believe that the greatest blow at New Hampshire character, to break the independence of New Hampshire men, is the blow which may be struck by the trusts in trying to get her property and the control of her trade into their hands. These things emasculate a people. They take away their power for development, and the end will be if we allow them to grow they will have the people of the state and the people of the federal Union in the grasp of a tyranny and chained in class slavery, so that the state and the federal Union will never be what they were intended to be by

the founders. Instead of being governments of a free people going on into higher conditions of development they will fall back into the conditions of the Old World where there is class against class, and where the pomp of aristocracy is set against the virtue and intelligence of the individual.

It seems to me of the greatest importance at this time when the trusts are reaching out still further, and when we see every day around us, as has been so clearly illustrated, an increase in the prices of the necessities of life, and when we see the control by these trusts of industries and greater suffering is in store, and the way the trusts rob and take from the people, it seems to me that now is the time to proclaim throughout New Hampshire by its representatives assembled here in convention, "Thus far shalt thou go and no farther."

It has been properly said that we are not protesting against existing trusts in New Hampshire. We have no such trust in New Hampshire as these that we are proclaiming against, but it is essential to proclaim from the mountains to the sea to all who may care to know her position and who see the trend of affairs; not only to all of those, in this state, but in the Union, that New Hampshire is decided in this matter and that she reserves to herself those powers that belong to her and that she is utterly and absolutely opposed to the existence and continuance of trusts that affect the welfare of the people or dominate and destroy the individuality of the citizens. It is well to say this to the federal government; it is well to say this to combinations that are forming all over the country, and if no other thing is accomplished in this Convention it will be enough if we put ourselves upon record that the New Hampshire of 1902 is the New Hampshire of 1775, and that we stand where we have stood and that New Hampshire bows to none but God in the direction of her own affairs.

Mr. Chandler of Concord—I move that the Committee of the Whole do now arise and recommend to the Convention that all the propositions concerning trusts be referred to the Committee on Bill of Rights and Executive Department, with

**Young of Easton, Avery, Cummings, Dresser, Parker of Franconia, Walker of Grafton, Kidder, Ward, Colby of Hanover, Sloane, Pike of Haverhill, Jewell of Hebron, Flanders, Drake, Dewey, Hibbard, Morris, Aldrich of Littleton, Greene of Littleton, Morse, Melvin, Warden, French of Orange, Lamprey of Orford, Ford of Piermont, Russell, Wentworth, Craig of Rumney, Green of Waterville, Shute, Woodbury of Woodstock.**

**COOS COUNTY.** Moffett, Rich, Daley, Boudreau, Murray, Miles, Johnson, Titus, Wight of Dummer, Evans, Crawford, Kent, Hartley, Phipps, Perkins, McKellips, Blanchard, Philbrook, Pike of Stark, Hinman, Aldrich of Whitefield, Dodge of Whitefield.

The following gentlemen voted in the negative:

**MERRIMACK COUNTY.** Howe.

**CHESHIRE COUNTY.** Madden.

And 294 gentlemen having voted in the affirmative, and two in the negative, the affirmative prevailed and the recommendation of the committee was adopted.

Mr. Lyford of Concord—There was laid on the table the other day my motion to reconsider the vote on the woman's suffrage amendment. After conference with a gentleman who opposed that amendment and who desired a full vote, and in accordance with the agreement I made with the gentleman on the floor when I moved to lay the motion on the table, I now move that it be taken from the table for the purpose of making it a special order for Thursday at 11:30 o'clock in the forenoon, a vote to be taken at that time without debate.

Mr. Pillsbury of Londonderry—I stated to the gentleman from Concord that so far as I was concerned I did not care to further debate it. But I think there are some gentlemen here who desire to talk upon the question.

Mr. Lyford of Concord—I desire to be perfectly fair with the gentlemen on the other side. If there is a desire to debate the question I will make a motion that it be made a special order for Thursday at 11 o'clock, and that the vote be taken at 12.

Mr. Chandler of Concord—I intend to give notice before we adjourn this afternoon that I shall move for an evening session to-morrow evening. I do not suggest that the gentleman from Concord change his time for voting, but I desire to say now that I hope we will be able to have a session to-morrow evening, and this may affect somewhat the vote upon the motion of the gentleman from Concord.

Mr. Lyford of Concord—I am perfectly willing debate should be had at any time. I have no desire, and do not know that any of the friends of this measure have any desire, to debate it further. If the opponents of the measure desire to debate it I am perfectly willing that they should have the time



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come here next week and the week after, and will stay here as long as necessary for reasonable debate upon any subject. But unless there is a better attendance than we have had so that we can do business in the evening and make longer days of our day sessions, I do not see how we can get through this week. When gentlemen go away from Concord at half-past three in the afternoon and get back at half-past ten the next day, and do not come here any days of the week except Tuesdays, Wednesdays, and Thursdays, it does n't seem to me remarkable that we do not get along faster with our business.

Mr. Jones of Manchester—I think it will be more satisfactory to all the members who are interested in having this matter of Woman Suffrage reconsidered fairly and by a convention that has the seats nearly all occupied, if the motion of the gentleman from Concord, Mr. Lyford, as originally made should prevail. That is, that the matter should be taken up

as the special order for Thursday at 11 o'clock and voted on at 12, or before if the debate ceases before, but with the understanding that the debate shall not exceed an hour in length.

Mr. Lyford of Concord—The gentleman from Manchester has anticipated a modification that I was about to make of my motion. That is, that the vote should be taken sooner if there was no more to be said upon the subject, or when it is evident that the Convention has reached a point where any other speeches made would have no effect. I would therefore move that this matter be made a special order for Thursday at 11 o'clock, and that the vote be taken as much earlier than 12 o'clock as possible, and that it be taken positively by 12.

Mr. Clough of Nashua—I would like to ask what the state of the vote was when the roll-call was made on this question the other day, and would like to be informed how I am recorded as having voted. I received a letter to-day which said upon its cover,—“Thank you for remembering the Golden Rule.” It was from the members of the Association for Woman's Suffrage. I hope I remember the Golden Rule always, but I did not quite understand what was meant by that remark coming from the source it did. I am not willing to wear laurels that are not properly mine, and I wish to say that I did not vote for the proposition offered by the gentleman from Warner, Mr. Thompson. I favored the amendment of Judge Aldrich, and voted “No” when the yeas and nays were called the other day.

The President—The chair will answer the gentleman from Manchester by saying that the ayes were 143 and the nays 94, and that he was recorded as having voted in the negative.

The motion of Mr. Lyford was stated and upon a *viva voce* vote prevailed.

Mr. Shaw of Kensington offered the following resolution:

proposed by Mr. Ham of Portsmouth for the amendment of article five, part two, of the Constitution, relating to empowering the general court to levy assessments, rates, and taxes upon inheritances, reported the same with the following resolution:

*“Resolved,* That it is inexpedient to adopt the proposed amendment.”

The report was accepted.

Mr. Lyford of Concord—Before that resolution is put to the Convention it should be stated that the subject matter embraced in that amendment is all included in another amendment which the committee has reported favorably, and this is reported “inexpedient to recommend” simply because the matter is considered favorably in a report to another proposed amendment.

The question being stated, shall the resolution of the committee be adopted, the affirmative prevailed on a *viva voce* vote.

Mr. Mitchell of Concord, from the Committee on the Legislative Department, to whom was referred the amendment proposed by Mr. Norris of Portsmouth for the amendment of article six, part two, of the Constitution, with reference to providing the means to defray the public charges of government, reported the same in the following new draft and recommended its adoption:

*“Resolved*, That article six, part two, of the Constitution be amended so that it shall read:

“ART. 6. The public charges of government or any part thereof may be raised by taxation upon polls, estates, and other classes of property; and there shall be a valuation of the estates within the state taken anew once in every five years, at least, and as much oftener as the general court shall order.”

The report was accepted.

Mr. Mitchell of Concord—It was the design of the committee to so frame this amendment that it would certainly cover inheritances and franchises. Now I desire to be certain that it does. Professor Colby expresses some doubt as to whether it does in fact cover inheritances, and for the purpose of examining it thoroughly and reaching as well as we can a certain conclusion about it, I move it now lie upon the table to be taken up at some future time when this question may be fairly considered. What we desire is, to frame the amendment in such a way that it will authorize the legislature to enact a law providing for the taxation of franchises and inheritances.

Mr. Chandler of Concord—Whatever doubt the gentleman from Hanover, Mr. Colby, has upon that subject I would like to have him state. I would also ask the gentleman from Con-

or privilege. Perhaps the language of the proposed amendment will prove to need no change whatever view may be taken of such a tax, but I am not prepared to express an opinion until I have had opportunity to examine more thoroughly the decision in that case. The importance of the subject, as the gentleman from Concord, Mr. Mitchell, has said, suggests the wisdom of deliberate action.

Mr. Cullen of Portsmouth—It looks to me as though this house has been deceived and misled. A member of the house told us at the time that the proposed amendment offered by Mr. Ham of Portsmouth was before the Convention on a report of the committee that it was "inexpedient to recommend," that the amendment was embraced in this other. Now a learned gentleman gets up and says there is some doubt about it. Considering the statement made by the gentleman from Concord, Mr. Lyford, with reference to the effect of this bill and the doubt which is now raised, I feel as if the Conven-

tion has been deceived. I am in favor of an inheritance tax. It is in the line of progress.

Mr. Lyford of Concord—I will say to the gentleman from Portsmouth that the committee is unanimously in favor of reaching the result desired by the gentleman from Portsmouth. There is no difference in the committee with reference to the object sought. The only difference is as to what is the best phraseology in view of the language of the decisions of our courts.

Mr. Cullen of Portsmouth—The language of the resolution offered by the gentleman from Portsmouth, Mr. Ham, was not a bit ambiguous. It said "inheritance tax," and under that there is no doubt that an inheritance tax could be laid. It seems very strange if the gentlemen, with all their legal learning, could not frame an amendment about which there could be no doubt. I do not desire to see this Convention buncoed.

Mr. Chandler of Concord—I made my inquiry with all due respect to the distinguished jurist from Hanover, Mr. Colby. I wish to be informed whether there was any doubt in the minds of the committee whether franchises are a class of property.

I beg leave also to say to the gentleman from Portsmouth, Mr. Cullen, that I believe that franchises of corporations are property, and that when property descends from one person to another there is in that transfer what all reasonable persons should call a class of property. Of course, if the Convention deems it important to enumerate certain classes of taxable property, it is open to any gentleman to move to insert "franchises and inheritances," but I do not think it is necessary. I am very clear in my own mind on that subject. My attention was called to it by some delegate who asked what should be the language to be used so that the legislature instead of being limited as it has been held to be theoretically in imposing taxes, could have the power to impose in its discretion any kind of tax under heaven or known among civilized men, and



the object we are seeking to accomplish is attained, I think it best to suspend action upon it until it is made certain, and to add, if necessary, additional words to more clearly express the intention that "franchises and inheritances" may be taxed. One objection to using those particular words is that, by specially naming "franchises and inheritances," other classes that should be included and would be included under the general term, "all classes of property," might be held to be excluded. Therefore, the committee thought the words suggested "all classes of property" much better, as they included those classes and might, if necessary, include others which should be subject to taxation. The language used was satisfactory to the committee, and I supposed it met the approval of Judge Blodgett and Professor Colby, and accomplished the object we were trying to secure. I am perfectly willing to have the resolution go to Senator Chandler's committee to be

reported back in the form it is to be sent to the people; and if additional words are necessary, the committee can recommend them.

Therefore, I suggest that the report of the Committee on Legislative Department be adopted, and if, later, it is thought those words are essential they can be added.

Mr. Stone of Andover—Inasmuch as by the addition of three words this amendment can be made certain, I should think that they had better be added now. All that would be necessary would be to add the words “franchises and inheritances” so that it would read, “franchises and inheritances and all other classes of property.” That removes all doubt.

Mr. Mitchell of Concord—Instead of those words I suggest that the present language be retained, and then these words added: “including franchises and inheritances.” That will not exclude other classes.

Mr. McAllister of Manchester—I move the resolution be amended by adding to it the words, “including franchises and inheritances.”

Mr. Rogers of Tilton—I have been unable to hear all that was said down in front in regard to this question. I had something to do about the case of *Curry vs. Spencer*. That was decided after the express cases which have been referred to here. As I understand the reason why that law was held to be unconstitutional was because it was double taxation—in both cases, in the express cases and in the case of *Curry vs. Spencer*. An estate is liable to taxation in the hands of an administrator or executor, and then you tax it again when it is distributed to the heirs, and that would make double taxation. The question whether the amendment recommended by the committee as amended by the motion of the gentleman from Manchester, Mr. McAllister, is going to be broad enough to cover that objection, when at the same time we have a provision remaining in the Constitution which prevents double

be some doubt in my mind as to whether the language of this proposed amendment would cover that. In view of all these doubts I do not think we are in a position at this time to settle the matter, but it seems to me much better if Mr. McAllister's amendment be drawn up in writing and the whole thing referred to the committee, so that they could consider this matter again, and that we may know exactly what we wish, and exactly what we are saying or meaning, when we make this amendment or reject it.

Mr. Rogers of Tilton—I do not rise to make a motion, but to suggest that this matter be recommitted to the Committee on Legislative Department, and see if they cannot report something about which there can be no doubt. I will, however, make the motion that the resolution be recommitted to the same committee from which it came for further consideration by them.

The motion prevailed and the resolution was recommitted to the Committee on Legislative Department.

Mr. Blodgett of Franklin and Mr. Little of Manchester, from the Committee on the Judicial Department, to whom was referred the resolution of Mr. Niles of Concord, relative to the permanency of the supreme and superior courts, recommended its adoption.

The report was accepted.

Question, upon the adoption of the recommendation of the committee.

Mr. Baker of Bow—I do not yield to any man in my admiration and veneration for the courts of law, but I do not think that any court which has been devised, or which in the future may be devised, should be made permanent and that the acts organizing them should be absolutely irrevocable or revocable only by an amendment of the Constitution.

Our courts have the support of the people, and they have the admiration of the people, but in the history of this state there have been several courts of different capacity and of different orders. This very system which we have now has been tried once in the history of this state and has been repealed. We went from a court constituted almost exactly as our present courts are to one supreme court of the state of New Hampshire. Having tried that for a series of years, we are back again upon a dual court system, but I do not believe that any court should be put beyond the control of the people.

For one, I am opposed to this amendment upon the ground, and solely upon the ground, that the court should never be greater than its masters. I don't know as I need to say anything more. We have had a change back and forth in this state, and now simply because we have dual courts I do not think we ought to make them permanent, especially as we have not yet had the existing system running long enough to know that it is satisfactory. I think we ought to leave this

The people who came to the last legislature opposing this system, are now, perhaps, better satisfied with it, and, perhaps, they now think that there will never be occasion to change it, but, if dissatisfaction should arise, and the people of this state want another court, or want to change this, I do not think it should be put beyond the power of the legislature to do it. I think we are perfectly safe as we now are, and I believe in letting well enough alone.

Mr. Little of Manchester—This proposition is in line with a resolution unanimously adopted by the bar association of the state. It is also in line with planks in the platforms of the two leading political parties of the state. I had not supposed that this subject would lead to as much of a discussion here. When it was brought before the Committee on Legislative Department, our distinguished chairman, who is not present this

afternoon, expressed himself with some earnestness in regard to it. I have no doubt that if he were present, he would wish to be heard, and I would move, sir, that the matter be laid upon the table and made a special order for to-morrow afternoon at 2 o'clock.

Mr. Chandler of Concord—Have you any objection to going on with the debate this afternoon?

Mr. Little—No, I have no objection to that, but it seems to me, in fairness to the gentleman from Franklin, that the matter ought not to be determined until he can have an opportunity to be heard. I will withdraw my motion for the time being.

Mr. Niles of Concord—I trust the gentleman from Manchester will not withdraw his motion, as I had risen to make the same motion. It is obvious there is no quorum here, and if a division were taken it would be disclosed. As I regard this as one of at least two of the most important questions before the Convention I should not want it debated before half a house. I think it would be well to postpone the discussion of this question until a determinate time.

Mr. Chandler of Concord—Before the subject passes, for this afternoon, from the attention of the Convention, I would like to ask the members of the committee whether there was any difference of opinion on the question whether both courts should be made permanent and placed beyond the reach of the legislature, or only one. I am willing to place the one supreme court of this state beyond the legislature's reach so far as the justices are concerned who may at any time occupy the bench, but my doubt is whether an inferior court should be so protected—whether not only the superior court which is the trial court and the other inferior courts should be so protected.

I am conservative with reference to our judicial system, and I would not be willing to adopt the radical views expressed

from Bow, Mr. Baker, have undoubtedly at times felt filled with wrath against the courts and have been in a mood to tear them down. I have myself fulminated against the courts, but I never have really felt that therefore the legislature of the state ought to be allowed to come here and reorganize the courts, to tear them down and make new courts.

I have witnessed two or three revolutions of that kind, Mr. President, and I am free to say that I think it would have been better for the people of this state if the court had not been overturned in 1855, when the Whigs and Free-Soilers overcame the Democratic party and took possession of the state government. I do not believe this was for the welfare of the state. I cannot even say that it was for the welfare of the Republican party which did it. Therefore I say to the committee and to the Convention that I am willing to vote for this proposition embodying in the Constitution one supreme court of this state and making it permanent. My doubt is

whether we ought to do the same thing with reference to the lower tribunal called the superior court. I again ask the question which I started with, whether in the committee there was any difference of opinion on the subject of placing both courts beyond legislative control?

Mr. Baker of Bow—I rise to correct a misapprehension which the gentleman from Concord may have given you. I have no indignation, righteous or otherwise, against either of the courts or any of the justices of this state. I honor both courts, and so far as I know them, their judicial conduct. My position is simply this. They are the creatures of the state and the people of the state, and the people of the state should keep in their hands the control of the courts and not put it out of their hands. That is all there is to it.

Now the gentleman is unquestionably right in regard to the value of Chief Justice Marshall as head of the supreme court of the United States, and it is to the credit of the different parties that he was maintained there.

I know of no reason why the courts existing in the state of New Hampshire should not be maintained in their organizations until the end of time perhaps. My only claim is that the people should retain for themselves the power, if it becomes necessary on account of the conduct of the judges, which may not come under the classification of immorality, or other reasons of disposing of the judges given in the resolution; if they become entirely hostile to the will of the people, to change them and put in their places men who will discharge the duties of the courts in accordance with the highest ideals of the people and for the good of the state.

Mr. Chandler of Concord—Has it ever been thought that the congress of the United States could pass a law about the supreme court of the United States which would turn out the existing justices?

Mr. Baker—I do not know as that idea has been put for-



**Mr. Niles of Concord**—If the gentleman from Manchester will not, I will renew that motion that the resolution reported by the committee lay upon the table and be made the special order for to-morrow at 2 o'clock.

The motion being stated by the chair, prevailed on a *riva voce* vote.

Mr. Colbath of Barnstead, from the Committee on the Legislative Department, to whom was referred the amendment of Mr. Ledoux of Nashua to amend article five, part two, of the Constitution by adding thereto a section relative to the reference of laws passed by the general court to the people for consideration and to make effective the initiative and referendum, reported the same with the following resolution:

*Resolved*, That it is inexpedient to adopt this particular amendment."

The report was accepted. The question being stated, shall the resolution of the committee be adopted.

Mr. Clyde of Hudson—I move the resolution be referred to the Committee of the Whole, to be taken up with the special order relating to initiative and referendum, which has been referred to that committee.

The motion of Mr. Clyde of Hudson being stated by the chair, was declared lost on a *viva voce* vote.

Mr. Cullen of Portsmouth—There is a great deal to be said on this question. I do not doubt but there are a number here who would like to be heard upon it. It is a question that is in line with progressive legislation at the present time, and a large number of bodies of working men, both state and national, have declared themselves in favor of such legislation. As the attendance appears to be small, I would ask and move that the matter be laid over until some other time. I myself have an amendment to this measure, but I do not think it should come up now. I move that it be laid over as unfinished business.

Mr. Chandler of Concord—Will the President kindly state to the Convention what the order is with reference to resolutions of a like character with this. If there are other resolutions I think the Convention will be willing to consider them together.

Mr. Clyde of Hudson—I introduced a resolution before this body and moved to make it a special order to follow the resolution on trusts introduced by the gentleman from Concord, Mr. Chandler, and my motion was carried and made such special order. This is a similar resolution to the one I introduced. I feel that it is an important matter and something demanded by the organized labor of this country. We have considered woman's suffrage and other questions here, and I think we should do organized labor the courtesy of con-

sidering this matter thoroughly in the Convention or in Committee of the Whole.

Mr. Chandler of Concord—I find that I get along better in legislative bodies by asking unanimous consent. I ask the unanimous consent of this Convention that this resolution may be considered when Mr. Clyde's resolution is considered.

The President—If there is no objection to the suggestion of the gentleman from Concord, Mr. Chandler, by unanimous consent the resolution offered by the gentleman from Nashua, Mr. Ledoux, will be considered in connection with the resolutions which are numbered 31 and 37, namely, the two resolutions introduced by Mr. Clyde of Hudson.

On motion of Mr. Clement of Manchester, the Convention adjourned.

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### WEDNESDAY, DECEMBER 17, 1902.

The Convention met according to adjournment.

(The President in the chair.)

Prayer was offered by the chaplain.

On motion of Mr. McAllister of Manchester, the rules were so far suspended that the reading of the journal was dispensed with.

Mr. Kent of Lancaster offered the following resolution:

*“Resolved, That, hereafter, debate, both in Convention and Committee of the Whole, be limited to five minutes, and that no member shall speak a second time on any question, until every member who desires to speak has spoken once; provided, that the author of the measure under consideration shall have ten minutes, instead of five minutes assigned him.”*

The resolution was adopted.

On motion of Mr. Clyde of Hudson, the resolutions of that gentleman, and the resolution of Mr. Ledoux of Nashua, relating to the initiative and referendum, were recalled from Committee of the Whole and referred to the Committee on the Legislative Department.

Mr. Rogers of Tilton, from the Committee on the Bill of Rights and Executive Department, to whom was referred the resolution offered by Mr. Baker of Bow to amend part second of the Constitution, title "Executive Power, Governor," reported the same with the following resolution:

*"Resolved, That it is inexpedient at this time to amend the Constitution as proposed in the resolution."*

The report was accepted and the resolution adopted.

Mr. Buxton of Boscawen, from Committee on Bill of Rights and Executive Department, to whom was referred the resolution introduced by Mr. Madden of Keene relating to governor's council, reported the same with the following resolution:

*"Resolved, That it is inexpedient to amend the Constitution as proposed."*

The report was accepted and the resolution adopted.

Mr. Russell of Plymouth, from the Committee on Future Mode of Amending the Constitution and Other Proposed Amendments, to whom was referred the resolution entitled "Amendments to the State Constitution, part second, articles forty-seven, fifty-three, fifty-six and sixty-six," reported the resolution in the following new draft and recommended its adoption:

*"Resolved, That article forty-seven, part second, be amended by adding to it the words 'Provided that no person shall be so nominated and recommended until he shall have been examined and found duly qualified by an examining board ap-*

limited, and that the questions yet to come before it for consideration are many and weighty. In comparison with them the matter involved in the report of this committee is of minor consequence. Hence I shall ask your indulgence only for a very few moments. As has been truly said, "If the framers of this Constitution did not build better than they knew, they certainly did build wisely and well." It is apparent they believed a certain place in any scheme of government should be conceded to the militia. This is clearly shown by their insertion in the Bill of Rights of article twenty-four, declaring "A well-regulated militia is the proper, natural and sure defense of a state;" and the three articles following it expressive of their dread of standing armies, their determination that the military should always be subordinate to the civil power, and their resolve that soldiers should never be quartered in a manner burdensome to the people. In part second, article forty-five, is a proviso for the appointment of general and field

officers. Then comes article forty-seven, which it is proposed to amend by providing that captains and lieutenants shall stand the test of an examination by a board appointed by the governor before he is required to issue their commissions. As the article reads at present the commander-in-chief is deprived of the power of choice. He is compelled to commission whoever is nominated by the field officers. Now the purpose of this amendment is to oblige every candidate for a captaincy, or a lieutenancy, to establish, to some extent at least, his fitness for the position sought before he can be recommended for appointment. I assume that it is the desire of every gentleman present that any military force raised and supported by the state of New Hampshire shall be as efficient and reliable as it is possible to make it with the present moderate appropriation and the infrequent opportunities for instruction and practice. Nothing will contribute so much to this result as well-qualified company officers. I am sure that every veteran of the Civil war in this Convention (types of those patriots whose little bronze button is a prouder decoration than can be conferred by any king, prince, or potentate) will agree with me in this assertion. In all armies in the world the company has invariably been considered as the first, or smallest, independent command; the captain being the executive, and commanding, drilling, paying, and looking after the men composing his company. Not a few military commanders of renown have recorded their conviction of the importance of the company and its commander. The late General William Tecumseh Sherman (who, all must admit, had a tolerably wide experience in commanding small bodies of troops in time of peace and large ones in time of war) on more than one occasion stated that good captains make good companies and good companies, grouped together in the higher units of organization, make a good army. The amendment proposed will do something to secure these good captains, with good lieutenants to assist them in making good companies.

The amendment desired to article sixty-six, part second,

commissary-general was elected whom the governor did not desire, and he made his feelings known in language so plain and forcible that it appealed to the legislature sufficiently to induce them to make a second choice which was more satisfactory, and the incident was closed. I am not aware that this friction between the legislative and executive departments was accompanied by any great shock to the body politic, nor did it "bode some strange eruption to our state." It seems, however, only just and equitable that the commissary-general should be appointed in the same manner as his comrades, the quartermaster-general, the judge-advocate-general, the surgeon-general, and the not more than eight or less than four aides with the rank of colonel are appointed; and thus avoid an "inequality," to the evils of which allusion has repeatedly been made during this session.

The report was accepted and the resolution submitted by the committee was adopted.

Mr. Briggs of Manchester, from the Committee on Bill of Rights and Executive Department, to whom was referred the amendment proposed by Mr. Wingate of Stratham to strike the word "subject" from article five of the Bill of Rights and insert the word "one" in place thereof, reported it inexpedient to submit such an amendment. The committee was of the opinion that the framers of the Bill of Rights did not use the word "subject" in any other sense than as a reference to persons who are subject to the law. While a more apt word might be found to express the idea, since the word appears several times in the Bill of Rights and the Constitution, to be consistent several distinct and different amendments would have to be proposed, and the committee did not think it wise to cumber the important questions to be submitted to the people by numerous amendments of this character. The committee, therefore, reported the following resolution:

*"Resolved, That the proposed amendment be not adopted."*

The report was accepted and the resolution adopted.

Mr. Aldrich of Littleton, from the Committee on Bill of Rights and Executive Department, submitted the following report:

The Committee on Bill of Rights and Executive Department, having had under consideration the resolutions introduced by Mr. Baker of Bow, Mr. Niles of Concord, and Mr. Colby of Hanover proposing amendments to article six of the Bill of Rights, reports that article six should be amended by striking therefrom the word "evangelical," and inserting the word "Christian" in place thereof, and that the word "towns" be stricken from said section wherever it appears, and that the word "Protestant" be stricken out.

The committee also recommends that the words "and every denomination of Christians" be stricken from the so-called Free Toleration clause of said article six, and the words, "All religious sects and denominations" inserted in place thereof, so that the same as amended shall read:



**nation.**

“All religious sects and denominations, demeaning themselves quietly and as good subjects of the state, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.

“And nothing herein shall be understood to affect any former contracts made for the support of the ministry; but all such contracts shall remain and be in the same state as if this Constitution had not been made.”

The report was accepted. The question being stated, “Shall the resolution of the committee that the amendments recommended by the committee be adopted?”

Mr. Baker of Bow—I move that the report of the committee lie upon the table, be printed, and made a special order for

to-morrow at 2:30 o'clock. I do this especially for this reason, —because the report is a long one, and it is not in such shape that the members of the Convention can properly read and compare it with the present Constitution. It is one of the most important subjects in a general way which will come before the Convention, and we all ought to have a good, fair chance to read its provisions and consider it.

Mr. Aldrich of Littleton—I dislike very much to oppose the motion of the gentleman from Bow, Mr. Baker, but we must all be admonished that the end of this session is approaching. There is a vast number of matters to be considered yet. All of these resolutions have been printed and distributed through the Convention. I think there is some danger in postponing this until to-morrow. I wish the gentleman would withdraw his motion, and I for one would agree to take it up this afternoon at some appointed hour agreeable to the gentleman from Bow. I will say, however, I recognize the great principle involved and if he, upon reflection, insists upon the motion, I will not oppose it.

Mr. Baker of Bow—There is an additional reason why this should go over, because the gentleman from Hanover, Mr. Colby, is not able to be here to-day. I think it is due to him, as a fellow-member of the committee, that we should grant this favor for his sake if for no other.

Mr. Hamblett of Nashua—We have before us now the report of the committee and it is unanimous. It seems to me it is perfectly clear, and I believe every member of this Convention understands it. I regret exceedingly that the gentleman from Hanover, who offered the resolution with reference to this matter, is unable to be here, but it seems to me the business of this Convention must be considered and disposed of as promptly as possible. I believe this Convention is ready now to meet and decide this question and to act upon the unanimous report of one of its leading committees as it ever will be. I sincerely hope we will take it up now and dispose of it.

**matter until this afternoon. But if there is no demand for that I will withdraw my motion.**

The President—The motion of the gentleman from Littleton, Mr. Aldrich, is withdrawn, and the question is, "Shall the resolution of the Committee on the Bill of Rights and Executive Department be adopted?"

Mr. Baker of Bow—Mr. Chairman and gentlemen of the Convention: I am under the necessity of asking for the report itself, as it has been concluded not to print it.

I yield, gentlemen of the Convention, to no man here in my admiration for the Christian religion or my admiration for the principles which are known as Christian. But I believe absolutely, with the gentleman from Littleton, Mr. Aldrich, in his remarks the *other* day, that Christianity means equal rights for everybody and all. I believe that every citizen of this state should have equal rights without any sug-

gestion of opposition to his thought upon religious subjects, and I believe that all objectionable words which have been in this article of the Bill of Rights for a hundred years ought to be stricken out as the committee has stricken them out in its reported amendment. If no new words had been inserted I should not have raised my voice at this time in opposition to the report of the committee.

There are those, as you know, in this state who are not known as "evangelical" in religion, and there are those who are not Protestants. The two words the committee propose to strike out, and what their report recommends is equally favorable to every kind of Christians known under the sun. Thus far it is undoubtedly worthy our support and our admiration. But they have recommended the insertion in place of the word "evangelical," the word "Christian." Now I do not believe that any gentleman within the sound of my voice has so little faith in Christianity that he thinks that insertion in the Bill of Rights of our Constitution is necessary to maintain Christianity in the state of New Hampshire. If there is such he has less faith in Christianity and in the people of this state than I have.

There are in this state worthy men and worthy women who do not adopt Christianity. In other words, there are Jews; Hebrews, both foreign and native born, and we should not attempt to insert a word here—and the committee has inserted it—which would be hostile and distasteful to that people. I remember that He from whom the religion we profess is called Christian, was himself a Jew, and nowhere in the New Testament is there any word or suggestion that he repudiated the principles of the Jewish religion, but simply the excrescences which had grown upon that religion. My belief is that if we adopt the recommendation of the committee we shall be slapping in the face Him from whom our religion is named.

Why should we do it? Is there any call for it? Are not Christians Christian, even if we leave this word out of the organic law of the state? I hope we are, and if those words

**I make this motion to strike out the word "rightly," and strike out also the word "Christian," and in place of the word "Christian" insert the word "right," so that it will read: "As morality and piety, grounded on right principles."**

The President—In the report of the committee the clause in question reads, "As morality and piety, rightly grounded on Christian principles, will give the best and greatest security to government." The gentleman from Bow, Mr. Baker, moves the following amendment: "Strike out the word 'rightly' and also the word 'Christian,' and insert in lieu thereof the word 'right,' so the clause will read, 'As morality and piety, grounded on right principles, will give the best and greatest security to government.'" The question is upon the amendment.

Mr. Osgood of Nelson—I will inquire if there is any standard of piety in such an amendment as that? Is there any

standard of piety at all? If there is, it is the question of Christian religion.

I claim a good deal of the work of this Convention so far never will be ratified by the people, and of this much I am confident, that they will never ratify this amendment if the word "Christian" is stricken out. I may be mistaken, but I claim there is no other standard of piety except the Christian religion.

Mr. Aldrich of Littleton—Mr. President, it is to be regretted that this delicate and sensitive question is to be debated further. The members of the Committee on the Bill of Rights, of which I have the honor to be chairman, have fully considered the situation, and feel that the amendment proposed by the gentleman from Bow, Mr. Baker, radically attacks the entire theory of the report, which the committee has submitted to the Convention here.

There are three essential phases of the amendment proposed through the report and the resolution submitted which relate to article six of the Bill of Rights. One idea is to declare in apt words that no expenses relating to religious institutions shall ever become a public expense. The desired result in this respect is accomplished by striking out the word "towns." Another idea relates to the question whether all religious beliefs shall be tolerated alike. I go as far in that direction, and the committee is disposed to go as far in that direction, as the gentleman from Bow. The other question, and the important one is, whether this Convention shall take a backward step and allow the Jews, or the pagans, or the Mohammedans who come into this country, and who enjoy all the privileges of our institutions, to force us to renounce the great principle which has always been recognized in this country—the principle that this nation and state is rightly grounded on Christian principles, a principle which contra-distinguishes our institutions from nations, for instance, founded on Mohammedan or pagan principles.

The fact that we are a Christian community, a Christian

**I agree with the gentleman from Nelson, Mr. Osgood, that it would shock the sense of the great mass of the people of New Hampshire, and the sense of the people of the country, were we to strike from the Bill of Rights the declaration, that this state, that the civic structure of this state is rightly grounded on evangelical principles, unless we should preserve the substantial idea by substituting the word Christian in its place. The fact that our government is so grounded, permits us, with a generosity that does not exist in any other nation in the world, to say to all, whatever your beliefs are, whether you believe in the existence of the Almighty or do not, whether you believe in the Confucian religion, the Mohammedan religion, or the Jewish religion, you shall all stand equal before the law. That does not go to the structure. It means religious toleration in its broadest sense, yet it does not involve a renunciation of the beneficent principle involved in the idea that our system of government is rightly grounded upon Christian principles.**

Mr. Cross of Manchester—I did not expect to speak on this question, but it comes so very near to me that I cannot refrain from saying a word.

This nation, in history, in poetry, and in romance, has been recognized as a Christian nation. I do not refer to denominations, to Catholic, Unitarian, Universalist, Congregationalist, or any sect—I do not say that this or that is not Christian. We all claim to live under the Christian name.

Mr. President, it stirs my memory as I am asked to vote for or against the word “Christian” in our Constitution. From almost the hour when the lullaby sounded in my ears, from the time of boyhood and early manhood long ago to eighty-five years, this word Christian has had a meaning very helpful and very precious.

In the homes of some of us if there is anything that we have endeavored to be and endeavored to live before our children and before those with whom we have associated, it has been to respect the Christian religion.

I cannot forbear to ask you as New Hampshire men, remembering the fathers and mothers who have lived in these hills, mountains, and valleys, to entreat you, not to strike out this word.

I believe I voice the almost unanimous wish and demand of the people of New Hampshire in their protest against striking out the word “Christian” from the Constitution, and in their earnest appeal to retain and honor it as the one word above all others held dear to the hearts of the men who placed it there.

Mr. Aldrich of Whitefield—I have been somewhat impressed to hear my friends, and especially my namesake, who has spoken quite often. I did not think that I would rise in this Convention to speak, but I desire to make one suggestion, or to ask one question.

When our Pilgrim Fathers left their own country and came to this land, they came for the purpose of freedom in religious thought, and yet they drove honest men from Massachusetts



of progress. We are not striking Christianity out of our Constitution. We are simply striking the word Christian from this section. We have been amending the Constitution in other places and it seems to me that if we are to amend this section at all it should be in the way proposed by the gentleman from Bow,—upon broad lines, so that when we are through with it we shall leave it right.

There has been a change in the past hundred years in the religious sentiments of the people. There has been such a change in this country even in the past few years. "Step by step since time began, we see the steady gain of man," and although great progress has been made in material things, nowhere has it been greater than in the realm of religious thought. No longer, as in ancient and mediæval times do devils walk hand in hand with men or angels sit in sweet communion on every corner. The age of miracles has passed

and immaculate conceptions are of rare occurrence. Yet the cause of true religion has been advanced and mankind benefited, and to-day with promise of final conquest firmer than the rockribbed hillsides the cause of religious freedom makes her onward strides.

I would suggest that this section is now obsolete and if we cannot amend it upon broad and liberal lines no harm would probably be done if we left it as it is. But if we cannot amend it in a way that will commend itself to men of all religious beliefs, then let us leave it as it is, as a reminder of what our fathers thought, let it remain in obscurity until other men in other times shall amend it in accordance with the spirit of the age.

Mr. Baker of Bow—The gentleman who is chairman of this committee has made some suggestions to you which to me seem to need reply. He has suggested that if he were in Turkey, or in China, and if he were permitted to worship God according to the dictates of his own conscience he would be satisfied. He ought to be if he were in a despotic country. But the parallel does not exist. We are not talking about a government here which is a government of despotism, but a government of the people. The voters are the government, and they ought to see to it that everything in their fundamental law gives to each and every individual every right, and no one ought to claim for himself a right which he is not willing to accord all others.

The very words which were used by the gentleman in trying to tell you how liberal the amendment proposed by the committee is, show the evil of it. He used the word "toleration." Have I the right to tolerate him? Has he the right to tolerate me in matters of religion? Of course not. I have equal rights with him and he with me, and every Jew in the state of New Hampshire has just as good rights as either of us. That is the question on which you are called to vote.

Gentleman, I had a mother, and early teaching, perhaps not as good as that of the venerable gentleman who was born in

Weare, N. H.; perhaps his mother was a better Christian than mine, but gentlemen, with all due respect to his mother and to his home, I do not believe it. I do, however, believe that my mother, if she is looking on this scene to-day, thanks God that she has a son broad enough in Christian principles to advocate that no man in this state should be tolerated, but that each should have equal rights with himself.

Mr. Fuller of Exeter—I yield to no man from Bow, or elsewhere, in desiring to accord the fullest religious equality to Jew, gentile, and atheist alike, not because I am a Jew or an atheist myself, but because I do not have any right to oppose them. The amendment proposed by this committee grants to the Jew the right to employ public teachers. In granting that right, the committee has stricken out the word “Protestant” in the Constitution immediately before “teachers of piety and morality,” and they grant to all religious societies within this state the right to make adequate provision for the teaching of their religion. By that amendment, therefore, we grant to the Jew the right to teach publicly the principles of Judaism, and we grant to the Christian sect and to the pagan, and to the Christian teacher or the pagan teacher absolute religious equality before the law. Civil equality is granted every man by other clauses of the Constitution, and the only thing to which Jew or pagan can take exception is that we say the Christian religion is a trifle the best. That is all. And it seems to me you cannot ask a Christian nation to say,—“Whereas, all religions are equally of no account, we will tolerate them all.” That would be the effect of the amendment offered by the gentleman from Bow, Mr. Baker. He would wish us to say that one religion is as good as another. But in the amendment which he himself has proposed he has included the words “public worship of the Deity.” We may find many within the state who do not believe in that, and although they don’t believe in it they have just as good a right to their beliefs as we, but they have not the right to say that we shall strike those words from the Constitution.

It seems to me that the gentleman from Bow is intensely bigoted in his liberality. He wishes to prevent the rest of us saying that we believe Christianity is a good foundation for a Christian government, while all they can properly ask is that we declare that all religions shall be equally under the protection of the law.

The question being stated, "Shall the amendment of Mr. Baker of Bow be adopted?" the negative prevailed, and the amendment was lost. The resolution reported by the Committee on the Bill of Rights and Executive Department was then adopted.

Mr. Mitchell of Concord, from the Committee on the Legislative Department, submitted the following report:

The Committee on Legislative Department, to whom was recommitted the amendment proposed by Mr. Norris of Portsmouth relating to the methods of raising the public charges of government, having further considered the same, report it in the following new draft, and recommend its adoption:

*"Resolved*, that article six, part two, of the Constitution be amended so that it shall read:

*"ART. 6.* The public charges of government, or any part thereof, may be raised by taxation upon polls, estates, and other classes of property, including franchises and the transfer or succession of property by will or inheritance; and there shall be a valuation of the estates within the state taken anew once in every five years, at least, and as much oftener as the general court shall order."

The report was accepted. The question being stated upon the adoption of the recommendation of the committee that the resolution as reported in a new draft ought to be adopted.

Mr. Chandler of Concord—I think a verbal change ought to be made, and I move to strike out the words "transfer and succession of property" and insert in lieu thereof the words

**The question being stated, "Shall the resolution as reported by the committee in new draft, and as amended, be adopted?" the affirmative prevailed and the resolution was adopted.**

**Mr. Howe of Concord, from the Committee on Future Mode of Amending the Constitution and Other Proposed Amendments, submitted the following report:**

**The Committee on Future Mode of Amending the Constitution and Other Proposed Amendments, to whom was referred the resolutions offered by Mr. Lamprey of Concord, Mr. Baker of Bow, and Mr. Colby of Hanover, relative to striking out articles ninety-eight, ninety-nine, and one hundred of part second of the Constitution, and providing that in lieu of the present system of amending the Constitution, by conventions called for that purpose, such amendments shall originate in and be proposed by the legislature, having considered said sev-**

eral resolutions, recommend the adoption of the following resolution:

*“Resolved, That it is inexpedient to adopt said resolutions, or either of them.”*

The report was accepted, and the question being stated, “Shall the report of the committee that it is ‘inexpedient to adopt said resolutions or either of them,’ be adopted?”

Mr. Baker of Bow—I move you that this matter lie on the table and be made a special order for to-morrow at 2:30 o’clock. I do this not for my own purposes, but the gentleman from Hanover, Mr. Colby, who is the author of one of these resolutions, has communicated to me this morning his wish in that regard, and I think it due to a fellow-member who is absent that this should be done.

Mr. Eastman of Exeter—I wish to say in regard to the gentleman from Hanover, Mr. Colby, that he has been informed of the meetings of the committee, and this matter was referred to a sub-committee of the committee to take into consideration, and the gentleman was notified of the fact and requested to confer with that sub-committee and has had notice of all their meetings. I do not stand here for the purpose of preventing him giving his views to this convention if he so wishes, but it does seem to me if we expect to conclude our labors in season for the incoming legislature we ought to make progress.

Mr. Chandler of Concord—I never felt a more imperative sense of duty than I do to make an appeal to this Convention not to separate without sending to the people a new method of making further amendments to the Constitution. I am aware that five minutes would be a short time for me to make my views known. I am willing, however, to go on now or later as the Convention may prefer.

Mr. Baker of Bow—I made no objection to the committee

**over a special order until the general order is completed.**

The question now recurs to the resolution of the committee, that "it is inexpedient to adopt the said resolutions, or either of them."

Mr. Baker of Bow—Is it not true that there is a special order pending at this moment?

The President—The chair will state that there is a special order pending. But under the rules of the Convention, prepared by a committee of which the gentleman from Bow was chairman, the order of business adopted by the Convention as stated in rule 12 is as follows:

After the journal has been read and corrected, the order of business shall be as follows: First, the presentation of resolutions and petitions; second, the reports of committees; third,

any special order for the hour; fourth, the unfinished business of the preceding day.

Mr. Baker of Bow—Will the President permit me to make a suggestion? Unquestionably the rule is as it has been read, but that rule does not, I apprehend, include what the gentleman presiding has suggested. It says reports of the committees shall be presented, but it does not say they shall be acted upon in preference to a special order of the day, and a special order of the day comes in for action before any general order.

Mr. Little of Manchester—I have the honor of being a member of the Committee on Rules, and it was the distinct understanding of that committee in making up our report that the general order should take precedence over any special order, and in rule 12 it provides that after the journal has been read and corrected, the order is (2) the reports of the committees, and (3) any special order of the hour. I do not understand how you can get reports of committees before the Convention until they are presented to the Convention in order to be acted upon. Of course, if they are laid upon the table as they are successively presented, they are disposed of, but if they are not voted down, laid upon the table, or disposed of in some other way, it is conclusive to my mind that they are in order until disposed of in some manner.

The President—This matter stands upon the report of the committee, and the question is whether the report of the committee that it is "inexpedient to adopt said resolutions" or either of them," shall be adopted.

Mr. Wason of Nashua—I am informed that Senator Chandler desires to discuss this subject, and in view of the fact that the gentleman from Hanover, Mr. Colby, the author of one of the resolutions, is not here to discuss the matter and take the ten minutes allotted to him, I move you that the Convention grant the gentleman from Concord, Mr. Chandler, ten minutes instead of five.



**putting into it a method for making future amendments like** that adopted by all the other states in the Union was voted upon by the people, and it came within a few hundred votes of adoption. I spoke the other day of the Convention of 1850, and the humiliation which its members felt when they found that all fifteen of their propositions to the people had been overwhelmingly rejected. They reassembled and again submitted three of the amendments to the people. One was adopted—the amendment striking out the property qualification. The removal of the religious test, which was submitted by the Convention, was voted down by 9,566 ayes and 12,082 nays. But in 1876, the convention which then assembled in this room submitted the abolishing of the religious test once more to the people, and it was carried. Yet the Convention of 1876 failed to submit the third proposition which had been voted upon in 1850—a new method of making future amendments, which

proposed amendment had received, when submitted to the people fifty-two years ago, a vote of 12,500 in the affirmative and 6,906 in the negative—an overwhelming popular majority falling but a little short of the necessary two-thirds vote. Worse yet, not only did the Convention of 1876, which again, submitted the abolishing of the religious test, fail to submit a new method of making future amendments such as every other state in the Union enjoys; but so also failed the Convention of 1889.

Mr. President, if the Convention of 1876 had shown the wisdom which I think it ought to have possessed, and had submitted this proposition which had received nearly two thirds of the votes of the people in 1850, I believe it would have been adopted and this state would have been saved the expense of two conventions—the Convention of 1889, and this Convention of 1902.

I appeal to the Convention to give the people of New Hampshire a chance to say whether after all of these experiences they will not try the effect of a new method of making future amendments.

We are here representing the people upon their call for a Constitutional Convention. If the people in voting for this Convention had any strong idea in their minds when they voted 10,000 for and 4,000 against—only 14,000 voting on the subject, as to what the Convention should do, it certainly was that they should reduce the house of representatives. I think that they believed the Convention would find some method of reducing the house. We have been here nearly three weeks and what progress have we made? The Convention, on that subject, is divided right in two, and nothing seems more certain than that the Convention will prove an abortion so far as reducing the house of representatives is concerned.

Now, gentlemen, what sort of a record are we going to present to the people of this state if we fail to do the thing they sent us here to do, and if we leave them at the same time under the necessity of spending twenty-five or thirty thousand dollars by and by to get men to come together here and do

**the expense of constitutional conventions and of the legislatures.**

Take for instance, as an illustration, this very body and I think you will be convinced that a better method of amending the Constitution can be devised. We have spent nearly half of the appropriation of \$25,000 in discussing the basis of representation, and what position are we in to-day? Gentlemen, I undertake to say that after spending ten or twelve thousand dollars of the state's money in discussing this basis of representation we are in a more absurd position than a body of four hundred men ever put themselves in before. We voted deliberately to retain the 600 as the basis for the first representative, we also voted to make the number of the house 300, and then proceeded in this Convention to vote down the number for the second representative that would enable us to retain 600 for the first representative and still have a house of only 300. We sent to the special committee a prop-

osition so absurd, and I stand here without fear of contradiction on that point, that it does not deserve the respectful consideration of that committee or any other.

There is no possible likelihood that considering the position taken by this Convention an amendment submitted to the people will be ratified by them. If this is not an absurd position that we find ourselves in, I do not know to what absurdity we can proceed. There is ten thousand dollars gone and nothing has been accomplished which will secure the approval of the people of the state.

And I wish not only to bring to bear upon this discussion the experience of this Convention, but the experience of former conventions that have been held in this state. The gentleman from Concord, Mr. Chandler, has already told us about the Convention of 1850, and we have only to look at the record of the other conventions also to determine for ourselves whether the money spent in holding them has been well spent or otherwise.

In case further amendment to the Constitution becomes necessary, the sensible way to proceed, to my mind, would be that the legislature should elect a commission of such men as the gentleman from Manchester, Mr. Cross, and the gentleman from Littleton, Mr. Aldrich,—I need not specify the entire membership of the commission because that would be for the legislature to do; but I should certainly include a number of men in this Convention—I say it would be the duty of that legislature to appoint men experienced in law and in legislation, who shall proceed to draw up a body of amendments that would be logical and that would hang together and that would not need amending before the commission adjourned.

The point that I want to make is this, that a body of this size of men unacquainted with this business and unaccustomed to it is not the proper body of men to draw up these amendments. We have seen something of this with reference to the amendment in regard to inheritance, and you see how carefully it is necessary to word these measures. I say that

**years.**

**Mr. Jones of Manchester**—Being a member of the committee who reported that it is inexpedient to adopt these resolutions, it is perhaps proper for me to say a few words

First, let us see what the propositions are. There are three of them; that of the gentleman from Concord, Mr. Lamprey, who has just taken his seat, that of the gentleman from Bow, Mr. Baker, and that of the gentleman from Hanover, Mr. Colby. They all come to the same thing,—that the legislature may consider an amendment and adopt it in their sessions,—by a majority vote of each branch one says, and by a majority of the house and senate together another says, and by a two-thirds vote of each branch the third says. Then it shall be referred to the next legislature, and if they adopt it by a majority or two-thirds vote as the case may be, it shall go to the people for them to vote upon it, and if they adopt it, it shall become a part of the Constitution.

I know of no "lamp to guide my feet" but the lamp of experience. I have been taught to believe and do believe that the Constitution of this state is the foundation upon which rests all of our institutions and all of our rights. I believe that that foundation should be as firm and as secure as possible,—that it should be protected against frequent changes,—and, what is equally as important, that it should be protected against continuous assaults.

I believe if we should recommend, and the people should adopt, the methods proposed by these resolutions or any of them, that the sessions of our legislature would be taken up largely with attempts to change the Constitution in various respects, and I further believe that in the stress and storm of political excitement the representatives of the people might come here and make radical and dangerous changes in the Constitution merely for partisan advantage and send them to the people, and the people might adopt them, and they might become part of our Constitution, and thus bring about great evils.

You all know that there are many men in this state who believe that the Constitution ought to be changed, and they would be constantly coming into the legislature and asking to have it amended. Almost every man that comes here to this Convention has one or more propositions for changes which he believes would improve the Constitution; and the same thing would take place in the legislature. Nearly every representative would have a proposition to present, and the time of the legislature would be absorbed in discussing propositions which the good sense of the people in most instances would reject. I believe that our Constitution should be firm; that it should not be assailable by every wind that blows. But if we give this power of amendment to the legislature, it will not be as firm as it is to-day. Respect for the Constitution would, I fear, grow smaller if these proposed amendments should pass.

Our legislature to-day has all the power that any legislature could have to pass laws, and the final article of the Bill of Rights reads as follows:

**Mr. Jones, has said all I was going to say except in one respect. Quite a good deal has been said in this Convention about the expense of legislation, and it has been said that the Convention itself costs a good deal of money. Is it not just as expensive to keep a legislature here as it is a Constitutional Convention?**

One thing more. If you have a convention once in ten or fifteen years you confine the expense to that, but if you adopt one of these resolutions you will have a convention every two years instead of once in ten or fifteen years, and it would certainly cost more to have a convention every two years than to have one in ten or fifteen years. It seems to me, therefore, as far as the expense goes it is better to retain the Constitutional Convention.

As the gentleman from Manchester has already expressed my views on the other features of this matter, I will take no more of your time.

Mr. Eastman of Exeter—As chairman of the committee which reported in opposition to this resolution, it may be well for me to say a single word in explanation of the action of the committee.

As has been stated by the gentleman from Manchester, Mr. Jones, the committee took the view that the Constitution was the fundamental organic law of the state, and the less disturbance there was to that law the better it would be for the state. We did not think it would be for the advantage of the state to have it in the power of the legislature to tinker with the Constitution at every session, and such would be the result, as all of you must know who have been in the legislature, if these amendments are adopted.

Now what harm has been done under the present method of amending the Constitution? The only suggestion I have heard made against the present method is that it costs something, and that every time a proposition is made to amend the Constitution it costs the state twenty-five or thirty thousand dollars to do it. As has been suggested, do you suppose if this power to make amendments, or to suggest amendments, was put into the hands of the legislature you would save any money by that? Every man who had a grievance would come to the legislature with the idea that his sovereign remedy was to amend the Constitution, and the legislature would be flooded with propositions of that nature. For one, I hold the Constitution of New Hampshire in too much veneration to subject it to any such process as that.

I say another thing—and I do not mean to speak disparagingly of the legislature of New Hampshire—but I submit to you that the men as a rule who constitute a constitutional convention are an abler set of men than those who come to the legislature, and in a convention we get the benefit of their wisdom. And so I say for that reason, if for no other, it is better to leave the matter as it is.

It has been said that in previous conventions very many recommendations were made which were not adopted by the people. Is there any guarantee that a recommendation made



**The following gentlemen voted in the affirmative:**

**ROCKINGHAM COUNTY.** Sanborn of Auburn, Flanders of Brentwood, Eaton, Knowles, Kimball of Danville, Kelsey of Deerfield, Abbott of Derry, Eastman, Follansby, Wetherell, Leddy, Hooke, Frink, Sanborn of Hampstead, Towle, Weare, Chase of Kingston, Pollard, de Rochemont, Burley, Walker of Newmarket, Cate, Kelsey of Nottingham, Peaslee, Emery, S. W., Howard, Norris, Paul, Ham, Cullen, Hesley, Locke of Seabrook, Wingate, Clark of Windham.

**STRAFFORD COUNTY.** Morrison of Dover, Roberts, Hanson of Dover, Neally, Morang, Folsom, Nute of Dover, Nutter of Farmington, Webb, Gerrish, Moore, Chamberlain, Nute of Rochester, Furbush, Meader, Gelman, Cochrane, Gunnison, Nutter of Rollinsford, Lobby, Locke of Somersworth, Leary, Roy, Morin, Hall of Strafford.

**BELKNAP COUNTY.** Clark of Center Harbor, Morrill of Gilford, Cogswell, Jewett, Lewis, Smith of Meredith, Smith of New Hampton.

**CARROLL COUNTY.** Rideout, Colman, Spencer, Hobson, Gibson, Morrill of Conway, Dearborn of Eaton, Harmon, Merrow, Murch, Meserve, Gilman, Brown of Ossipee, Page of Tamworth, Morrison of Tuftonborough, Sanborn of Wakefield, Clow, Hersey.

**MERRIMACK COUNTY.** Stone of Andover, Buxton, French of Bradford, Sanborn of Chichester, Dudley of Concord, Foote, Virgin, Hollis, Mitchell of Concord, Foster, Kimball of Concord, Howe, Casey, Jordan, Ford of Danbury, Caldwell, Dolbeer, Blodgett of Franklin, Sanborn of Franklin, Stone of Franklin, Leach, Towne, Wilkins, Wilson of Hill, Putnam, Messer, Wyatt, Truesdell, Green of Pittsfield, Sawyer of Salisbury, Lang.

**HILLSBOROUGH COUNTY.** Hubbard, Kimball of Bennington, Fessenden, Whitaker of Deering, Downs, Colby, Paige of Goffstown, Peavy, Bacon, Fogg, Smith of Hillsborough, Holman, Powers of Hollis, Marsh, Tarbell, Wilkinson, Green of Manchester, Dodge of Manchester, Boutwell, Jones, Robinson, Tremblay, Lord, Gilmore, Farrington, Harvey, Hill, Precourt, Starr, Horan, Glancy, Sullivan, Griffin, Jennings, Irwin, McAllister, Quirin Joseph, Allen, Clement of Manchester, Littlefield, Powers of Manchester, McElroy, Greager, Richer, Provost, Quirin Eugene, Hall of Manchester, Trinity, Gordon, Knight, Rotch, Worcester, Raymond, Hamblett, Spring, Clough of Nashua, Harriman, Flood, Parker of Nashua, Wason, Woodbury of Nashua, Proctor, Runnells, Shedd, Flather, Earley, Slattery, Dodge of New Boston, Blanchard, Seavey, Morrison of Peterborough, Scott, Richardson, Simons, Bales.

**CHESHIRE COUNTY.** Cooke, Learned, Blake, Collins of Gilsum, Poole, Hall of Keene, Newell, Woodward, Madden, Craig of Marlow, Osgood, Cass, Emory, Buckminster, McClure, Rugg. Day, Spaulding, Kiniry, Goodnow, Davis.

**STRAFFORD COUNTY.** Edgerly.

**BELKNAP COUNTY.** Demeritt, Pul-ifer of Laconia, Gorrell, Busiel, Knox, Rogers, Fellows.

**CARROLL COUNTY.** Nickerson.

**MERRIMACK COUNTY.** Blodgett of Allenstown, Baker, Frame, Lyford, Niles, Walker of Concord, Whittier, Lamprey of Concord, Ingalls, Chandler, Wyatt, Thompson of Warner.

**HILLSBOROUGH COUNTY.** Clyde, Briggs, Cross, Little, Guerin, Boivin, Ledoux, Desmarais.

**CHESHIRE COUNTY.** Buckley, Annett

**SULLIVAN COUNTY.** Tenney, Penniman.

**GRAFTON COUNTY.** Sloane, Morris, Russell

And 276 gentlemen having voted in the affirmative and 41

gentlemen having voted in the negative, the resolution reported by the committee, that it is inexpedient to adopt the proposed amendments, prevailed.

The Committee on the Legislative Department submitted the following reports:

The Committee on Legislative Department, to whom was referred the several proposed amendments to articles nine and ten, of part second of the Constitution, relating to representation in the house of representatives, having considered the same, the undersigned members of the committee recommend the amendment of said articles nine and ten of part second of the Constitution, embodied in the resolution herewith respectfully submitted.

Your committee, in the discharge of the difficult and responsible duties committed to them, in the effort to reach a basis that would meet the approbation of the Convention, and such as if adopted by the Convention would ultimately meet the approval of the people when submitted to them, have carefully considered, (1) the merits, respectively, of the various proposed amendments, (2) the recommendation of the Committee of the Whole, as indicated by their several votes, (3) the imperative demand for some reasonable reduction in the membership of the house, and (4) what proposed revision of the Constitution, upon this subject would, probably, be approved by the qualified voters of the state, when the same shall be laid before the towns and wards for action thereon. And, considering those various elements, the undersigned members of the committee have been brought to the conclusion that the revision proposed and embodied in the resolution herewith submitted, is the most equitable and practicable amendment attainable, under existing circumstances and conditions.

The adoption and execution of this method of revision will secure a substantial reduction in the membership of the house of representatives. This basis applied to the population of

**the membership of the house of representatives to be made wholly from the larger towns and cities, the towns of 600 population, and under, retaining their present number, but it would, also, result in diminishing the voting power of the remaining members of the larger towns and cities, and correspondingly increasing the voting power of the smaller towns, whose representation would, in no degree, be diminished, or disturbed, by such decreased representation in the house, upon this basis.**

While this vote of the Committee of the Whole is entitled to consideration, and has received such, it will be recalled by the members of the Convention that it was distinctly stated, by the chairman of the committee, at the time this and other votes of a like character were taken, that it was a mere recommendation, having no binding force or authority upon your special committee, to whom the matter was referred for special consideration.

We suggest, also, that in the consideration of the recommendations of the Committee of the Whole, the fact developed that some, at least, of the members who had voted for the reduction of the house, on the basis of 600 inhabitants for the first representative, subsequently thereto, upon reflection, discovered that such an amendment to the Constitution could not possibly be ratified by the people, as it took the entire reduction from the cities and towns, from whence the larger part of the votes must come to secure its adoption; and such members suggested to members of this committee, the uselessness of a recommendation in which the basis of 600 would be adhered to. Therefore, in our judgment, to secure the object for which the Convention was brought into existence—a material reduction in the membership of the house of representatives—the most reasonable and practicable method of attaining that end, is the method proposed in the resolution herewith submitted, unless there should be submitted some new basis which would be a more or less radical departure from the existing system.

As you will observe, we recommend, also, the adoption of a provision, whereby towns or wards, having less than 800 population, may be authorized to unite, for the purpose of sending a representative, providing such towns or wards so vote at meetings held for that purpose.

This will accord towns and wards lacking the requisite population for one representative, the privilege of joining with others, and thus secure representation all the time; or, if they so decide, they may have their representation by themselves, a proportionate part of the time. This recognizes and authorizes the right of the people of such towns and wards voluntarily to unite; but it does not compel them to do so.

This plan of permitting towns to unite to secure continuous representation, is a radical departure from the method of classification of towns adopted by the Convention of 1876, and abolished by the Convention of 1889. The old plan of classification was obligatory, and compelled voters to cast their ballots in alternate years outside of their customary

representation is that secured by the district system, but as the Convention in Committee of the Whole has voted to adhere to the town system they subscribe to the foregoing report as containing the only ratio upon which the town system should be preserved.

JAMES O. LYFORD,  
STEPHEN S. JEWETT,  
ALFRED F. HOWARD,  
DAVID CROSS,  
JOSEPH QUITRIN,  
EDMUND E. TRUESDELL,  
CHARLES E. PHILBROOK,  
LOUIS M. LAPLANTE.

Amendment proposed—

*“Resolved,* That articles nine and ten, of part second of the Constitution, be amended, by striking out the word ‘six,’ and

inserting instead thereof the word 'eight;' and by striking out the word 'eighteen,' and inserting thereof the word 'twenty-four;' and by striking out the word 'twelve,' and inserting instead thereof the word 'sixteen;' and by adding to section ten, the following: *Provided*, that the legislature may authorize contiguous towns, or contiguous towns and wards, having, respectively, less than 800 inhabitants, but whose inhabitants in the aggregate equal or exceed 800, to unite for the purpose of electing a representative, if each town so decides by major vote, at a meeting called for the purpose; and the votes of towns, thus united, shall be cast, counted, returned, and declared, as votes for senators are cast, counted, returned, and declared; and the governor shall, fourteen days before the first Wednesday of each biennial session of the legislature, issue his summons to such persons as appear to be chosen representatives, by a plurality of votes, to attend and take their seats on that day; so that said sections, as amended, shall read as follows:

"ARTICLE 9. There shall be, in the legislature of this state, a representation of the people, biennially elected, and founded upon principles of equality, and, in order that such representation may be as equal as circumstances will admit, every town, or place entitled to town privileges, and wards of cities, having 800 inhabitants by the last general census of the state, taken by authority of the United States or of this state, may elect one representative; if 2,400 such inhabitants, may elect two representatives; and so proceeding in that proportion, making 1,600 such inhabitants the mean increasing number for any additional representative: *provided*, that no town shall be divided or the boundaries of the wards of any city so altered as to increase the number of representatives to which such town or city may be entitled by the next preceding census; *and provided further*, that, to those towns and cities which since the last census have been divided or had their boundaries or ward lines changed, the general court in session next before these amendments shall take effect shall equitably apportion representation in such manner that the



**persons as appear to be chosen representatives, by a plurality of votes, to attend and take their seats on that day."**

The undersigned, a minority of the Committee on Legislative Department, who have had under consideration the question of representation in the house of representatives, cannot agree with the majority, and, therefore, submit the accompanying amendment and recommend its adoption. They are not prepared now to submit a report in detail and ask leave to file such report this afternoon.

ELMER E. WOODBURY,  
GEORGE E. COCHRANE,  
GEORGE S. PEAVEY,  
HORACE N. COLBATH,  
ABRAHAM M. MITCHELL,  
DANIEL W. RUGG,  
HERBERT O. HADLEY,  
JAMES M. HEALEY.

A minority of the Committee on Legislative Department, to whom was referred all resolutions concerning article nine, part second of the Constitution, relating to the composition of the general court, having considered the same, report the same with the following resolution:

*“Resolved, That part second, article nine, of the Constitution, be amended by striking out the words ‘eighteen hundred,’ in the eighth line of said article, and inserting in place thereof the words ‘twenty-four hundred,’ and by striking out the words ‘twelve hundred,’ in the tenth line of said section, and inserting in place thereof the words ‘eighteen hundred,’ so that said section as amended shall read:*

*“ARTICLE 9. There shall be, in the legislature of this state, a representation of the people, biennially elected, and founded upon principles of equality, and, in order that such representation may be as equal as circumstances will admit, every town, or place entitled to town privileges, and wards of cities having 600 inhabitants by the last general census of the state, taken by authority of the United States or of this state, may elect one representative; if 2,400 such inhabitants, may elect two representatives; and so proceeding in that proportion, making 1,800 such inhabitants the mean increasing number for any additional representative; provided, that no town shall be divided or the boundaries of the wards of any city so altered as to increase the number of representatives to which such town or city may be entitled by the next preceding census; and provided further, that, to those towns and cities which since the last census have been divided or had their boundaries or ward lines changed, the general court in session next before these amendments shall take effect shall equitably apportion representation in such a manner that the number shall not be greater than it would have been had no such division or alteration been made.”*

The Committee on Legislative Department, to whom was referred the several proposed amendments to articles nine and

revision proposed and embodied in the resolution herewith submitted is the most equitable and practicable attainable, under existing circumstances and conditions.

The adoption and execution of this method of revision will secure a substantial reduction in the membership of the house of representatives. This basis applied to the population of the state, as shown by the last United States census, will reduce the membership of the house of representatives to 325.

Your committee are decidedly of the opinion that the ratio of three to one, established by the founders of the Constitution, and enlogized by the majority report on these measures, has no charm, and that the circumstances of the conditions we are attempting to relieve should, within reasonable bounds, continue this ratio. They do not feel there is the slightest occasion for any apprehension, that the changes resulting from a different ratio in representation, will so "dis-

turb the existing relations of the people of the different towns and wards to the state government," as to warrant any opposition to the proposed resolution.

In fixing on the 600 unit of population as the basis of the first representative we have strictly adhered to the majority vote of the Committee of the Whole. While we regard the votes of said committee as merely declaratory, still we have felt that so far as is practicable, the declarations of said committee should be closely regarded. If the vote of the Committee of the Whole, limiting the size of the house to between 280 and 300 members, and also its vote for the 600 population as a basis for first representative be strictly followed, it would make 2,600 population the number required for the mean increase for all successive representatives. This mean appeared to us manifestly too large, and demanded a greater sacrifice on the part of the larger towns than the exigency of the occasion required. Therefore, your committee felt justified in departing so far from the recommendation of the Committee of the Whole, as would reduce the sacrifice of the larger towns to reasonable proportions. As the accompanying report indicates your committee have fixed the increasing mean at 1,800 population. It has impressed itself firmly upon your committee that if any amendment to said article nine would be adopted by this Convention and go to the people with any hope of ratification by them, it must conform as nearly as possible to the existing system of representation; that the demand for a smaller house than the present is not so strong as to warrant any great reduction; that the contribution to any reduction should be made by those towns which will feel least the loss of representatives, and that the state should not take any further steps in the un-American policy of disfranchising towns.

The Committee of the Whole has, by a large majority, declared against the district system, and it does not seem fair to your committee to present to 111 towns the option of hunting up an agreeable partner for a district system, or of being disfranchised one third of the time.

**o'clock and that the rules be so far suspended that this order take precedence of all other business and that the vote on the reports and accompanying resolutions be taken not later than 4 o'clock to-morrow afternoon."**

Upon a *viva voce* vote the resolution presented by Mr. Lyford of Concord was adopted.

On motion of Mr. Lyford, the majority and minority reports were ordered printed.

On motion of Mr. Jones of Manchester, the Convention adjourned.

#### AFTERNOON.

The Convention met according to adjournment.

(The President in the chair)

Mr. Buxton of Boscawen offered the following resolution, which was adopted:

*“Resolved, That a committee of five be appointed to consider the expediency of publishing a report of the proceedings of the Convention verbatim, or in an abbreviated form, and, if deemed expedient, to recommend a plan for the publication and distribution of such reports.”*

The special order assigned for 2 o'clock, the resolution of Mr. Niles of Concord, relative to the supreme and superior courts, together with the recommendation of the committee that the same ought to be adopted, was taken from the table.

Question, Upon the adoption of the recommendation of the committee.

Mr. Little of Manchester—I expected that the gentleman from Franklin would be here at this time and have something to say in behalf of the report of the committee, but he is somewhat ill to-day and unable to be present, and as a member of the committee, I wish to say a few words in behalf of the report. I assure you, gentlemen, that I will detain you only a few minutes.

As a preface to my remarks, I will read two or three paragraphs from an address prepared by the Hon. A. S. Batchellor of Littleton, and read at the last annual meeting of the New Hampshire Bar association. Mr. Batchellor says:

“It is to-day a proposition seldom, if ever, questioned that the provisions of the Constitution relative to the removal of judges from the supreme and superior courts by legislative address, except for insanity, permanent physical disability, or conviction of crime by due process of law, is unwise in theory and mischievous in operation.

“It is also apparently a well-settled conviction with the people of this state, that the assumption that changes in the judiciary acts under which the powers and constituents of the courts are defined, and the methods of performing their

has given this subject much thought, and I wish that every member of this Convention could have the privilege of reading his address. It seems to me that his argument is sound and unanswerable.

Our national supreme court is a permanent court. The judges composing that court cannot be removed by legislative action, except for malpractice and maladministration in office or by address on the ground of mental or physical disability to perform the duties of their office. Washington said, "The main pillar of our system of government is our supreme court," referring particularly to its permanency. It has served to perpetuate our government, and has often delivered us from impending crises. Every student of history knows that the principal act of John Adams while president was the appointment of John Marshall as chief justice of the supreme court. It is also well known that after Jefferson became president, the decisions of that court from a political point of

view did not please the party in power and the members of that party were anxious to remove Chief Justice Marshall and his associates from their positions. It was not within the power of Jefferson and his followers to remove those justices and the people of this country ought to be thankful that such was the case. The decisions rendered by that able court, in those early days, did much to rescue our government from impending disasters.

Every argument which applies to the permanency of our national court, also applies to the permanency of our state court. During the long period of 114 years under provincial and state governments no attempt was made to remove one of our judges by legislative address. In 1855, the American, or Know-Nothing party came into power, and for political reasons removed the judges of our supreme court. The same thing was done by the Democrats in 1874, and again by the Republicans in 1876. I do not believe there is a member of this Convention, who has given the matter any consideration, who does not now regret that such a course was taken. If there is any one thing made prominent in our Constitution it is that the three departments of our government, the legislative, the executive, and the judicial, should be kept as separate from, and independent of, each other as the nature of a free government will admit. For this reason it does not seem to me that we should allow our legislative department, for political reasons, to remove the judges of our highest court.

It has been said by some of the speakers here that we are seeking to abridge the rights of the people. It is our purpose to place our supreme court in a position where its members cannot be deposed whenever the legislature takes such a whim or fancy. In our opinion the results will then be more satisfactory to the people. We are planning to give them more efficient service. It is a well-known fact that there are occasionally times when large numbers of the people, from political excitement or other causes, lose their bearings, and at such times it is highly important that we have one department of our state government that remains intact, firm, and unswerving.



**persons as appear to be chosen representatives, by a plurality of votes, to attend and take their seats on that day."**

The undersigned, a minority of the Committee on Legislative Department, who have had under consideration the question of representation in the house of representatives, cannot agree with the majority, and, therefore, submit the accompanying amendment and recommend its adoption. They are not prepared now to submit a report in detail and ask leave to file such report this afternoon.

ELMER E. WOODBURY.  
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The Committee on Legislative Department, to whom was referred the several proposed amendments to articles nine and

they undoubtedly thought, as many of them at least as gave attention to the platforms, that such an amendment would be adopted by this Convention. I think they have a right to expect that we would recommend such an amendment.

Now, one of these platforms announced the proposition that the judicial office should be "as secure, with the exception of the age limit, as that of the judges of the supreme court of the United States." The proposition has been announced here that the position of the judges of the supreme court of the United States is not secure. I believe it is an established fact that the supreme court of the United States rests upon the Constitution, and it is impossible to modify it and change it in any way by legislation. Congress has the power under the Constitution of the United States, which ought to be read here, to found inferior courts, but when they are founded and established a provision of the Constitution says that not only the judges of the supreme court, but also those of the inferior courts shall hold their offices during good behavior, subject only to removal by impeachment for misconduct. The inviolability of the supreme court of the United States has not been adjudicated or decided, and the proposition that they are inviolable has not been raised, because no one has doubted it, and the principle of inviolability has been lived up to by Washington himself, and by Jefferson, who had the strongest motives for overturning the supreme court, and who would have overturned it if he could; but the understanding not only of the administrations, but of the people at large, has been that the supreme court of the United States is inviolable, as it must be to be absolutely independent.

I have to jump from one thing to another on account of the limited time before me. Let me read what our Constitution says in article thirty-five of the Bill of Rights:

"It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is, there-

fore, not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices so long as they behave well, subject, however, to such limitations on account of age as may be provided by the Constitution of the state, and that they should have honorable salaries, ascertained and established by standing laws."

It was for the security of the people, not for the security of the courts, or in favor of any classes, but for the security of the people that the members of the supreme court, being once appointed, should know that they will hold their offices to which they have been appointed, and that that office shall continue to exist and they shall continue to occupy it until the term for which they have been appointed shall have expired by the age limitation.

Webster laid that down in an argument before a Constitutional Convention in Massachusetts in 1820, where a resolution was introduced prohibiting the removal of the judges by address, because it was feared that removal by address would be used for political purposes. Webster says:

"As the Constitution now stands, all judges are liable to be removed from office by the governor, with the consent of the council, on the address of the two houses of the legislature. It is not made necessary that the two houses should give any reasons for their address, or that the judge should have an opportunity to be heard. I look upon this as against common right, as well as repugnant to the general principles of the government."

I need not go over the provisions of our Constitution in regard to the appointment of our judges. All know that the Constitution now provides that the judges shall be appointed by the governor and council, and shall hold office during good behavior, and until their removal by impeachment for misconduct, or by address. It has been held in Massachusetts that whenever the legislature asks the governor to remove any judge from any court it can be done without giving any reason therefor; and that is a feature in our own Constitution

**conclusion that it was the purpose of our Constitution that the courts of New Hampshire should be beyond the reach of the legislature, and that the legislature could not depose them by direction or indirect one, except for misconduct, for which they might be impeach'd. But the Legislature has nullified that, and, as I have already said, five times they have overturned our courts, and every time for political reasons. This should be remedied, and it is the purpose of this amendment to remedy it.**

**Mr. Harriman of Nashua—Mr. President and Gentlemen: I care nothing for any platform, so far as this issue is concerned, that has been laid down by the Republican party. I care nothing, Mr. President, so far as this measure is concerned, for any platform that has been laid down by the Democratic party, or any other party. So far as I am concerned upon this measure, I am confronted with the circumstances**

that exist at the present time in this Constitutional Convention.

A distinguished delegate from the city of Manchester has said that the judiciary system, the courts, is the bed rock of a republican form of government. I say, Mr. President, that the bed rock of a republican form of government is the will of the people.

Only a few years ago a dual court system was established. That dual court system was unsatisfactory to a large portion of the people of this state, and unsatisfactory to a large number of the members of the bar. Then the power that still remains with the people was evoked and the court was changed, and that system of courts which was unsatisfactory was overturned. At the last session of the legislature of this state, a dual court system was again established, and that dual court system is still on trial. It may be satisfactory to the people, and it may be unsatisfactory to the people; but if this measure is adopted here and ratified by the people of this state, then there is no remedy, however unsatisfactory the present dual system may be.

I am somewhat *shocked*, as great men say, in these times, when great men die, that for the first time in the history of New Hampshire, as I understand it, a measure is brought forth here and now to make the courts of this state permanent. It seems to me, Mr. President, this is not just the time to do it. An older man than myself, a distinguished member of the bar of this state and of this Convention, appeared before the legislature of New Hampshire two years ago and strenuously opposed the measure that established the present dual system. There was much opposition to the bill and it created quite a disturbance.

Now, then, if the dual system should be satisfactory, it will be retained, but if it should turn out to be unsatisfactory to the people of the state of New Hampshire, then I want that power left with the people which again can be made effective to change an unsatisfactory condition of things.

Mr. Howe of Concord—Mr. President and Gentlemen of

court and a superior court,—suppose in 1889 the system then in existence had been perpetuated by a constitutional amendment, we never could have had the court which we now have.

I say, Mr. President and gentlemen, that this thing should be left where it is. If it turns out upon trial that the court system which we now have is the best system which we can procure we will certainly keep it. If it turns out upon trial that the system which we have lately adopted is not the best system and we wish to change it, we ought not to be tied down to a system which is worse than some other, but the people should have the right to change it at any time.

Mr. Kent of Lancaster—I regret exceedingly that my sense of duty compels me to take sides opposite the gentleman who introduced this resolution. I am fully aware that in five minutes we can only glance at the different features of the matter presented. I regard this resolution as perhaps the

most important thing that has come before this Convention; I regard it as more far-reaching in its consequences than anything that has come before us. It is overruling and overturning the policy of the state since the formation of its government. I leave to others who may speak, declarations concerning the courts in other states, their tenure of office, and their method of procedure. I desire to refer very briefly to the public aspects of this case.

I know of no general desire or request anywhere in the state, nor of any public sentiment, that demands anything of this kind. We are told that the Democratic party and the Republican party in their conventions have asked for this action, and that the bar association of the state has also asked for it. At the bar meeting there, may have been present 150 people—certainly not more. I suppose there are four times as many practising lawyers in the state, three fourths of whom were not present and did not assent to such measure. As to the platform of the Republican party, I have only to say that I profess no ability to declare its meaning—leaving to those gentlemen accustomed to interpret that party's declarations to decide its real intent.

As to the platform of the Democratic party, I think I have demonstrated that I am a pretty good partisan Democrat—but I utterly and wholly repudiate the idea that a dozen gentlemen, in a parlor of the Eagle Hotel, the night before a convention, can formulate a platform or rule of action on a non-partisan question, binding upon the independent Democratic voters of New Hampshire. We are not here as partisans, but as representatives of the people of the state, and we are here to retain the well-tried policies of the state which have been approved from its earliest days, as has been alluded to in speeches upon this floor.

We have existed under the system of courts responsible to the people. The Bill of Rights says that all power is originally derived from the people, and all magistrates and officers of the government are representatives and agents of the people at all times, and are responsible to them. How are they quickly responsible if we place them beyond reach of the legislature?



This measure is revolutionary. The whole theory of our government is contrary to it. It is taking power from the hands of the people and putting the courts beyond their reach.

There are gentlemen in this hall who have seen some of the five overturnings that have been mentioned. So far as I know, the overturnings were for good and sufficient reasons. The gentleman from Concord, Mr. Chandler, is well acquainted with the reasons for the overturning of 1855, and there are others that are as well acquainted with it. It was for the purpose of getting rid of Jonathan Kittredge that a later change, championed by A. H. Cragin and N. B. Bryant, followed. When another party came into power in 1871 the ~~was~~ again overturned, and again in 1874, and then the ~~peration~~ was gone through last winter. I do not know ~~arm~~ any of these changes have done, but it would do ~~o~~ take this power of change out of the hands of the

not think that there is anything either sacred or holy personnel of a court, or in its official character. This overnment of the people, by the people, for the people," and we are here to keep all the power in the hands of the people that they have, not to give it up, not to make a revolution in the policy of New Hampshire, not to depart from the paths of our fathers, but to go on in the future as in the past; to keep the power of establishing courts in the hands of the people, and to keep the courts where they can be answerable in the popular forum for any wrongs that may be done. They should be amenable to change. The people are the only power and I trust this Convention will put far away from it the idea of constructing a court to be perpetual and beyond the reach of the people through the people's representatives.

Mr. Mitchell of Concord—I see no occasion for this radical departure from the principles enunciated by our Constitution.

Our judicial system underwent changes in 1813, 1816,

1855, 1874, 1876, and again two years ago. Have the rights of the people of the state of New Hampshire been impaired by those changes? In each instance, generally, have not men of eminence, character, and ability been placed upon the bench?

Have not the people of this state, by these changes in their judicial system, given practical construction to the constitutional provisions with respect to the judiciary?

Again, if the construction given to the Constitution in making these changes was not justified by the Constitution, why was there not a judicial construction adverse to the action of the legislature? None has ever been given, or requested.

The promoters of this proposition are undertaking to imbed in the Constitution a system yet on trial and a system which in practical operation has already shown some imperfections and dissatisfaction.

I favor the present system. I desire, however, to see this system fairly tried before it is permanently placed beyond the reach of the people.

I believe our judicial system is perfectly safe in the hands of the representatives of the people of this state. Our judicial system, with these changes, has produced a jurisprudence equal to that of any state in the Union. It has given us, under these various systems, men of learning, character, and eminence, who have served the people and protected their interests.

I hope we have the best system in existence, but let us fairly test it before constitutionally declaring it perfect.

Mr. Briggs of Manchester—Mr. President and Gentlemen of the Convention: I have not troubled this Convention with much talk of mine, and I do not propose to do so at this time. I simply wish to state that I do not believe in the amendment that has been reported by the committee. I do not believe in placing the judicial system of New Hampshire beyond the reach of the legislature—placing the creature beyond the reach of its creator.

**ernor to remove such judge. It is a thing that has not been done in the whole history of New Hampshire. The only way changes have been made is by changing the systems of the court. That is all.**

The gentleman have told you how many changes of this kind have been made. I know something of the change in 1855, and again of the change in 1874 and 1876, and of the last one made. I did not favor some of the changes, but whether I like or dislike them, I do not believe the power should be taken away from the people to make the changes.

I am willing to trust the court that we have, and under the laws that we have you cannot remove a judge until he arrives at seventy years of age, unless you prefer charges against him, and that has not been done in this state because there has been no occasion for it.

Now I ask you, Mr. President and gentlemen of the Convention, not to entrench this supreme court in the Constitu-

tion so it cannot be reached. I hope the amendment will be voted down.

Mr. Daley of Berlin—I feel constrained to make a remark or two upon the pending question, because I was a member of the committee which reported the resolution that is now before this Convention.

I believe, Mr. President, that the committee reported this resolution largely because they thought they were safe in relying to some extent upon the recommendation of the Bar Association of the State of New Hampshire. For one member of the committee I certainly concede that that affected my judgment, and I have not yet changed it. I believe, Mr. President, that above all the departments in the state government the supreme court ought to be reasonably permanent. I should not be so particular about the permanency of the trial court, which is called the superior court, and which is coming daily in contact with the people. It may be well to leave that court as it is, but I do believe it is the spirit of our institutions and of our Constitution that the supreme court, the court of last resort, should be made permanent, to the extent of being a constitutional instead of a legislative institution. A two-thirds vote of the people would then be necessary to effect a change. Every whim of the legislature and every whim of the people which might arise in the stress of political conflicts would not expose this court to unwarranted and unnecessary changes.

I am somewhat surprised that the report of the committee has raised so much antagonism. I did not anticipate it, I confess; nevertheless, I believe the supreme court of the state should be made permanent to the extent I have indicated. I do not undertake to say that it should be beyond the reach of the people, and this proposed measure does not place it beyond the reach of the people, because every time the people desire a Constitutional Convention the question can again arise. It seems to me that the arguments of those who have placed their reasoning upon the fact that there has been many

**unconstitutional, should not have the power of abolishing that court and of putting in a new one that will declare the same laws constitutional.** The only power that there should be to abolish the court and to make a new one is the people themselves, by a change of their Constitution, and there should be a permanency of courts, and the judges should know that they will retain their offices when they are once appointed unless they are turned out under the rules of the Constitution.

Let me read to you what some of the men, authority upon constitutional law, have said about this power of the legislature. I read from "Story on the Constitution": "Where there is no judicial department to interpret, pronounce, or execute the law, to decide controversies, and to enforce rights, the government must either perish by its own imbecility, or the other departments of government must usurp powers, for the purpose of commanding obedience, to the destruction of liberty. The will of those who govern will become under such

circumstances absolute and despotic; and it is wholly immaterial whether power is vested in a single tyrant or in an assembly of tyrants."

No remark is better founded in human experience than that of Montesquieu that "there is no liberty, if the judiciary power be not separate from the legislative and executive power."

And again in Hare on American Constitutional Law:

"It has been said that a sovereign cannot by any act or declaration part irrevocably with his powers or render them less ineffectual as a means of government. If this were true generally, it would not hold good in this country, where power is distributed among the United States, the several states, and the people. Government under our system is not absolute, but a delegation or agency created for certain purposes, and must keep within the limits of the grant. As Mr. Webster observed, in arguing the case of *Luther vs. Borden*: 'The people may not limit their government, they may and often do limit themselves; they secure themselves against sudden changes by mere majorities. That is why they put it into the Constitution that the judges of the court should hold office during good behavior. The fifth article of the Constitution of the United States is a clear proof of this.'"

I will read again from Judge Story: "The judiciary must be so organized as to carry into complete effect all the purposes of its establishment. It must possess wisdom, learning, integrity, independence, and firmness. It must at once possess the power and the means to check usurpation, and enforce execution of its judgments. Mr. Burke, with singular sagacity and pregnant brevity, stated the doctrine which every republic should steadily sustain and conscientiously inculcate. 'Whatever,' says he, 'is supreme in a state ought to have, as much as possible, its judicial authority so constituted as not only not to depend on it, but in some sort to balance it. It ought to give security to its justice against its power. It ought to make its judicature, as it were, something exterior to the state.' The best manner in which this is to be accom-

Let us wait. Let us see the result of the workings of the present system.

The gentleman from Berlin, Mr. Daley, says he is not particular about the superior court, but he wants the supreme court perpetuated. Why the supreme court more than the superior?

I believe we should continue just as we are. We have not had enough experience under our present system. Two years ago when the dual court bill was under consideration, we were told that the system was wrong,—that it was wrong in theory, and that in practice it would prove a failure. I was one of those who advocated the dual system. I may have been wrong. I wanted to have the system tried. I want to have it have a fair trial now, and then if it is found that a change should be made to improve it we can change it, and if it is not what we want we can wipe it out and institute in place thereof a system that will best subserve the interests of our state.

When this last change was made, the executive of this state, with the advice and consent of the council, appointed the judges of the new court. Did he depart from the spirit of this debate? Every member of the old court was recognized and appointed on either one or the other of the two new courts. We can trust the legislature of New Hampshire, we can trust the executive of New Hampshire, and we can trust his advisory council, and I sincerely hope, gentlemen, that we will not vote the present judicial system beyond the reach of the people's servants, the legislators.

Mr. Edgerly of Somersworth—I am opposed to this amendment suggested by the committee. It is well known to every one, who has investigated this subject, that our courts are clothed with great power and authority. Our judges are appointed, under our Constitution as it exists to-day, practically for life, or during good behavior, to act until they are seventy years of age. The only way their office has ever been in jeopardy in the past has been by a change of political parties. After the change of the court in 1876, as I understand it, by an unwritten law, or agreement, entered into by both political parties, the most eminent attorneys were selected from each of our great political parties for the judges of our highest courts. That agreement has been strictly adhered to from that time to the present. I do not believe that any change in our state government on account of politics will in any way affect the stability of our courts. Neither party, for political reasons, will attempt to abolish one court and establish another, because there is now no occasion for it.

We are told that it is necessary to have the judges put beyond the control of the people, because the courts want to be independent. Has it been suggested that anything has ever been done in this state to destroy that independence of our courts? Has anything ever been done to cause the court, or any one else, to fear for its independence? I submit nothing of that kind has ever been thought of. The courts of this state are independent. They declare the law fear-



Mr. Niles of Concord moved that the report be recommended to the Committee on the Judicial Department, with instructions to report the resolutions in a new draft which shall secure the tenure of office of the judges of the highest court of the state, without affecting the power of the legislature to modify from time to time the judicial system.

On motion of Mr. Woodbury of Bedford, the motion was laid upon the table.

The question being stated, "Shall the recommendation of the committee that the resolution relative to the supreme and superior courts 'ought to be adopted,' prevail?" the resolution was rejected.

The special order assigned for 2:30 o'clock, the proposed

amendment of Mr. Gilmore of Manchester, to elect secretary of state, state treasurer, commissary-general, and railroad commissioners by the people, together with the report of the committee that it is inexpedient to act upon the subject, was taken from the table.

Question: On the adoption of the resolution of the committee.

Mr. Gilmore of Manchester—Mr. President and Gentlemen: I have no desire to make a speech. I simply call the attention of the Convention to this matter for the reason that I believe every officer, of whatever nature, who holds office in the state of New Hampshire, should be elected by the people, and not by the legislature, or appointed by the governor and council. Then, if the people make a mistake they have nobody to blame but themselves.

I do not complain that we have any unfaithful officers in our secretary of state, state treasurer, commissary-general, but I do believe that there can be an improvement made in the board of railroad commissioners. They should be elected by the people, and responsible to them, and if they are tools of the railroad, or of any party, or set of individuals, they can be removed by the people. As I have said before, I believe I have covered the ground and have nothing more to say.

Mr. Chase of Bristol—Do I understand the words “commissary-general,” are in this amendment?

The President—They are.

Mr. Chase of Bristol—As I understood this morning, those words were to be stricken out of the Constitution.

Mr. Gilmore of Manchester—I am willing that they should be eliminated, and move to have them stricken out.

The President—The gentleman from Manchester, Mr. Gil-

of this state, and I have been turned down a few times, too. If there is anything gained in the appointment of the judges as they are appointed, by the governor and council; if there is anything gained in the securing of able men and incorruptible men in that way, the same thing applies to the board of railroad commissioners. That board has before it questions as to what amounts of stocks and bonds shall be issued by railroad corporations of this state, the questions of increases of bonds and of stocks of railroads, and the determination of the public good as to the construction of more railroads, and the last has always been considered an important matter in this state. The determination of damages for taking lands, also, in many cases, comes before the board, and, in short, it is a board of judges, and ought to be as independent as you can make it, and the members of that board ought to have a tenure of office, as a matter of fact, equal to that of the judges of this state, and they ought to be re-

moved as far from the manipulation of political conventions and campaigns as may be.

I am glad to say I can testify to the absolute impartiality, and great ability, and absolute honesty of that board, and I hope, gentlemen, that its members, as able as they are, as experienced as they are, and as extremely useful to the state as they are, will be left to be chosen as they are now by the governor and council. You can trust the governor and council to appoint the judges; you can trust the governor and council to appoint these men, and I hope that the report of the committee will be sustained, and the board will be left to be appointed as it is appointed at the present time.

On motion of Mr. Gilmore of Manchester, the resolution was still further amended by striking out the words, "secretary of state" and "state treasurer."

The question being stated, Mr. Gilmore of Manchester called for the yeas and nays, nine other members concurring.

The following gentlemen voted in the affirmative:

ROCKINGHAM COUNTY. Flanders of Brentwood, Kelsey of Deerfield, Fuller, Wetherell, Hooke, Chase of Kingston, Battles, Cate, Kelsey of Nottingham, Emery S. W., Howard, Norris, Wingate, Clark of Windham.

STRAFFORD COUNTY. Locke of Barrington, Nealley, Folsom, Nute of Dover, Nutter of Farmington, Moore, Chamberlain, Springfield, Edgerly, Leary.

BELKNAP COUNTY. Jewett, Thompson of Laconia, Smith of New Hampton, Fellows.

CARROLL COUNTY. Rideout, Colman, Spencer, Hobson, Gibson, Harmon, Murch, Sanborn of Wakefield.

MERRIMACK COUNTY. Foote, Virgin, Mitchell of Concord, Foster, Kimball, Walker of Concord, Lamprey of Concord, Whittier, Ingalls, Ford of Danbury, Caldwell, Dolbeer, Leach, Towne, Head, Todd.

**leton, Morse, Melvin, Warden, Lamprey of Orford, Green of Waterville, Shute.**

**COOS COUNTY.** Wight of Berlin, Moffett, Rich, Daley, Boudreau, Murray, Titus, Wight of Dummer, Evans, Kent, Blanchard, Philbrook, Aldrich of Whitefield, Dodge of Whitefield.

The following gentlemen voted in the negative

**ROCKINGHAM COUNTY.** Conley, Sanborn of Auburn, Eaton, Kimball of Danville, Abbott of Derry, Sanborn of Hampstead, Shaw, de Rochemont, Ham, Sawyer of Rye, Cole, Jewell of South Hampton.

**STRAFFORD COUNTY.** Roberts, Webb, Nute of Rochester, Cochrane.

**BELKNAP COUNTY.** Colbath, Clark of Center Harbor, Morrill of Gilford, Smith of Meredith, Rogers.

CARROLL COUNTY. Nickerson, Merrill of Conway, Dearborn of Eaton, Merrow, Meserve, Gilman, Goodwin, Dorr.

MERRIMACK COUNTY. Blodgett of Allenstown, Buxton, Baker, Frame, Dudley of Concord, Hollis, Niles, Howe, Chandler, Casey, Jordan, Wilson of Hill, Putnam, Messer.

HILLSBOROUGH COUNTY. Hubbard, Woodbury of Bedford, Fessenden, Whitaker of Deering, Colby, Paige of Goffstown, Marsh, Tarbell, Briggs, Green of Manchester, Dodge of Manchester, Lord, Gilmore, Hill, Starr, Horan, Glancy, Sullivan, Griffin, Jennings, Irwin, Clement of Manchester, Littlefield, McElroy, Boivin, Hall of Manchester, Trinity, Gordon, Knight, Rotch, Raymond, Ledoux, Wason, Earley, Desmarais, Blanchard, Seavey, Simons.

CHESHIRE COUNTY. Cooke, Amidon, Blake, Farwell, Buckley, Madden, Craig of Marlow, McClure, Clement of Surry, Day, Davis.

SULLIVAN COUNTY. Holmes, Penniman, Brown of Springfield.

GRAFTON COUNTY. Carbee, Ashley, Young of Easton, Avery, Dresser, Kidder, Drake, French of Orange, Ford of Piermont, Russell, Wentworth, Craig of Rumney.

COOS COUNTY. Paine, Perkins, McKellips, Pike of Stark, Hinman.

And 151 gentlemen having voted in the affirmative and 112 gentlemen having voted in the negative, the resolution of the committee, "inexpedient to act upon the subject," prevailed.

The President—There is certain unfinished business, first, the proposed amendment extending the jurisdiction of police courts.

Mr. Morris of Lisbon—When the Convention adjourned Friday I had nearly finished my explanation of the purposes of the bill.

this state, and I know great expense has been incurred by reason of the limited jurisdiction of the police courts. I will draw one illustration. We will suppose in the county of Grafton, in the town of Bethlehem, a man is charged with larceny of \$15. That is beyond the power of the police court to determine, and all the police court can do is to bind the party over, if probable cause exists, to the grand jury of that county. If this crime happens to have been committed in October, the respondent must be bound over to the November term of the superior court holden at Lebanon. That is about seventy-three miles from Bethlehem, and so the county is put to the expense of transporting the respondent, if he has not furnished the required bonds, and the witnesses, from Bethlehem to Lebanon, when in many cases if the jurisdiction of the police court were extended it could be avoided. It may be the respondent pleaded guilty before a justice of the police court in the town of Bethlehem. But notwithstanding that

fact, the county, to make out a case before the grand jury, must take witnesses to Lebanon in order to find an indictment, and is put to an expense of \$75. The respondent may be fined \$25, and ordered to pay costs taxed at \$75, which under amended legislation would be saved to him or the county.

Now as to the rights of the respondent,—as I have said, I cannot see that he loses any of his rights. You all know that in the proceedings before a grand jury the respondent cannot be represented either by himself or by counsel, and therefore he cannot gain anything by having the matter brought before that body. All of his rights may be protected by appeal under this proposed amendment to the petit jury in the superior court. I do not believe it takes from the rights of the respondent at all, but it will tend to decrease to a material extent the expense to the counties.

What is true in Grafton county must be true in every one of the counties to a greater or less extent. Perhaps you do not have as long distances to travel as we do up there, yet there will be a saving in expense to the counties if the jurisdiction of police courts is extended.

I hope the resolution of the committee will be adopted.

The resolution offered by Mr. Morris of Lisbon, extending the jurisdiction of police courts, reported Friday, December 12, from the Committee on the Legislative Department in new draft, was then adopted by the Convention.

Mr. Chandler of Concord offered the following resolution:

*“Resolved, That when the Convention adjourn this afternoon, it adjourn to meet at 7:30 o’clock this evening.”*

Adopted.

The resolution of Mr. Baker of Bow, in amendment of articles thirty-two, thirty-three, forty-one, and sixty, part second of the Constitution, providing for the substitution of the



**of Manchester, and the resolution presented by Mr. Ledoux of Nashua, proposing amendments to article eighty-two of the Constitution, and all other matters relating to the subject brought to the attention of the committee, report as follows:**

That article eighty-two of the Constitution be amended by adding the following:

“Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization and provision should be made for the supervision and government thereof

“*Therefore*, All just power possessed by the state is hereby granted to the general court to enact laws to prevent the

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operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials thereof doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against."

And the committee reports the following resolution:

*"Resolved*, That the foregoing amendment reported by the committee be adopted."

EDGAR ALDRICH,  
J. F. BRIGGS,  
EDWARD B. S. SANBORN,  
For the Committee.

The President—Unless otherwise ordered this report will be accepted, and the question is upon the adoption of the resolution by the committee.

Mr. Hamblett of Nashua—This is one of the most important matters that this Convention will have occasion to pass upon. The last division shows that there are only 230 members present, and I move you that this matter lie on the table and be made a special order for 11 o'clock to-morrow.

Mr. Kent of Lancaster—I ask the privilege of a question before this motion is put. I desire to ask the gentleman from Nashua and those opposed to this resolution to tell us if they have any desire for any further debate upon the matter.

Mr. Hamblett of Nashua—I do not know that we want any further debate, but it seems to me that when there are so few members present this matter ought to be postponed until a time when they are all present and can have the opportunity of voting upon the question.

Mr. Madden of Keene—I will state that I have talked with a great many members of this Convention in regard to this resolution, and the majority of those with whom I have talked are of the opinion that this action is entirely futile and of no use whatever. I am of that opinion myself. There is almost less than a quorum here, and I think it is unfair at this time to have the matter considered. I think if the Convention should have time to consider it a little more in the absence of the hypnotism produced by the speech of the gentleman from Littleton, that the action of the Convention would be somewhat different.

I am against this proposition. I am looking forward with pleasure to the time when these great corporations and the trusts will be under public control, and even when the necessities of life will be produced by the municipalities and not by

private enterprise, and I wish this whole matter to be delayed until that time, and do not desire to have action taken now.

Mr. Stone of Andover—I do not know as this Convention can settle anything, but it seems to me if there is any subject that is ripe for final disposition, it is this one, and this is the time when the vote should be taken. When the vote was taken upon the roll-call the other day a full convention was present, and only two members voted against the measure. I would like to know for what earthly reason this should be postponed. It seems to me it can be disposed of now, as there was practically no opposition whatever to the resolution in its original form.

Mr. Chandler of Concord—My impression has been while debate was going on that it would be no more than fair to let this subject go over until 12 o'clock to-morrow. It is true that what the committee has done has been substantially to put in an improved form the declaration of the Convention. But this is an important subject, and if any gentleman here wishes to look at the language of the resolution and see whether they want to criticise it or even object to the principles of it, I think it is no more than fair that they should have the opportunity. I ask unanimous consent that the disposition of this report may go over until 12 o'clock to-morrow.

The President—No objection being made, the secretary will enter that by unanimous consent the matter is postponed until to-morrow at 12 o'clock.

Mr. Parker of Nashua, from the Committee on the Judicial Department, submitted the following report:

The Committee on the Judicial Department, to whom was referred the amendment offered by Mr. Starr of Manchester for amending article five, part two of the Constitution, so that article five as amended shall authorize and direct the general court, "to enact statutes which shall prevent the giving or

**the members of this Convention has been disposed of.**

The motion of Mr. Chandler was stated by the chair, and declared carried on a *viva voce* vote.

Mr. Truesdell of Pembroke, for the Committee on the Legislative Department, to whom was referred the resolution of Mr. Baker of Bow to amend article five, part second of the Constitution, by adding thereto as follows:

“Nor pass any local, private, or special law where a general law can be made applicable, and whether a general law could have been made applicable in any case is hereby declared a judicial question, and as such shall be judicially determined without regard to any legislative assertion on that subject. Nor shall the general court indirectly enact such local, private, or special law by the partial repeal of a general law; but laws repealing local or special acts may be passed.” reported the same with the following resolution:

*“Resolved, That it is inexpedient to recommend such an amendment.”*

The report was accepted, and the question was upon the adoption of the resolution reported by the committee.

Mr. Baker of Bow—Mr. President and Gentlemen of the Convention: I will detain you but a short time. I wish simply to call your attention to the matter as it stands. Every legislature spends a considerable portion of its time in considering private bills, private corporation bills, although the state has a general incorporation law, and if this proposed amendment of mine could be adopted by this Convention and by the people I apprehend it would do no person and no corporation any harm whatever, and would have a great effect to shorten the length of the sessions of the legislature, and would conduce generally to the welfare of the state.

I have introduced before this body no proposed amendment which I did not at the time, and do not now, believe to be for the welfare of the state. If the gentlemen of the committee and the gentlemen of the Convention think otherwise, I am just exactly as well satisfied, because I have arrived at that stage of life where I shall not have to live under this condition of things as long as the majority of the members of this Convention; but I think some time in the near future, when the matter shall be placed squarely before the people of the state, they will see to it that there is no longer class legislation in the state of New Hampshire, but that all by general enactment shall be treated alike.

The question being stated, the resolution of the committee was adopted.

On motion of Mr. Chandler of Concord, the vote whereby the Convention voted to adjourn at the end of the afternoon session to 7:30 o'clock in the evening was reconsidered.

On motion of Mr. Hamblett of Nashua, the Convention adjourned.

**On motion of Mr. Chandler of Concord, the Convention voted to hold an evening session at 7:30 o'clock**

**On motion of the same gentleman, the various resolutions on the table relating to free passes on railroads were taken from the table and referred to Committee of the Whole.**

**On motion of the same gentleman, the Convention resolved itself into Committee of the Whole to consider the various resolutions relating to free passes.**

**In Committee of the Whole**

**(Mr. Little of Manchester in the chair.)**

**Mr. Chandler of Concord—Even if I were not limited to ten minutes, I should speak very briefly. The evil prevail-**

ing in this state, which I have felt and now feel it to be my duty in a humble way to combat, is well known to the delegates to this Convention. There is not a delegate here who does not know what the free pass system is, and does not know that it is wrong as it exists to-day. It is an evil, Mr. Chairman and gentlemen, which the people of this country have not been able to combat through the legislatures of the states by ordinary legislation, and therefore nine states of this Union have felt compelled to put in their Constitutions the prohibition of free transportation on their railroads. They have found it necessary to do this because of the violation of the principle of equality of right in connection with the railroads.

The railroads are great public highways which have been created through granting to the railroad corporations the use of the right of eminent domain—the right to take land without the consent of the owner upon making compensation therefor. That great privilege of the state has been conferred upon the railroads of the state, and when it was thus conferred they became public corporations and have been held to be such from the earliest history of railroads in New Hampshire.

There goes along with that assertion, Mr. Chairman and gentlemen, the proposition that all men stand equal before the law in the enjoyment of the privileges which these railroads offer, and they are bound to make uniform and equal tariffs for the whole public, they are bound to collect for fares and freights the same sums for the same service from every patron of the road, and when they grant anybody, except their employés, the right to travel free, or for less sum than others pay, they violate this great principle. Nevertheless, the wrong system has gone forward until it has become so universal that nine states in the Union have had to grapple with it by means of amendment to their Constitutions; and now the proposition comes before this Convention, and it is to be decided by this Convention whether the evil in New Hampshire is one that shall be dealt with and prohibited.



around him say, "Me too," and he moved the indefinite postponement of the bill. On the call of the yeas and nays, 176 voted for the indefinite postponement and 35 voted no. A little later the same question was brought up again, and the question being put the yeas were 145 and the nays 53. You will see that we increased our little band of anti-free pass members from thirty-five to fifty-three.

But the provision did not pass. Indeed, the evil made progress in the other direction, and on March 25, 1897, the most extraordinary legislation took place that I ever heard of anywhere. A bill was introduced reciting the provisions against passes just as I have read it, except that after the words, "persons poor and in misfortune, who are unable to pay said fare," the words, "and others," had been added, allowing free passes to all "others to whom passes have been granted." And when inquiry was made in this very hall, Mr. Batchelder of Keene said that this bill was designed to make

legal the issuance of passes to the members of the legislature. On his motion the bill was read a third time and passed under the suspension of the rules. Thereafter and ever since, New Hampshire has been the only state in the Union which affirmatively legalizes free passes and expressly authorizes the railroads of the state to give free transportation to anybody whom they may want to influence by the giving of those passes.

Mr. Chairman and gentlemen, the people of the state did take alarm at this action; they did take alarm when they saw these free passes distributed throughout New Hampshire without limit, according to the interests of the railroads of the state, and so the two political parties made utterance on this subject in 1898, and the distinguished attorney-general now upon the floor (Mr. E. G. Eastman) reported the following platform to the Republican state convention:

"The Republican party favors, as it did in the legislatures of 1893 and 1895, submitting to the people the question of calling a Constitutional Convention that they may act upon the question of abolishing free passes and upon any changes in the organic law which experience has shown to be advisable to make. In the meantime, we favor such legislation as may properly anticipate the adoption of a constitutional amendment prohibiting free passes."

That was the action and the platform of the Republican party. In the Democratic state convention of August 31, 1898, the platform was read by Henry H. Metcalf, Esq., containing the following:

"We condemn the action of the last legislature in enacting a law legalizing free passes and demand its repeal."

So the two parties gave their mandates to the then coming legislature, which the honorable gentleman from Exeter said ought to pass a law in anticipation of a constitutional convention. We had the legislature, and now we have a convention. In the legislature, Mr. Batchelder said, "The subject of free passes should be considered in a constitutional convention." Mr. Remich of Littleton said: "The matter should be

**the great public evil which this amendment is proposed to remedy.**

Mr. Stone of Franklin—We have in the state of New Hampshire but one magnificent railroad system, which is conducting its business through all of the six New England states, and, for one, I do not see any reason why the gentlemen of this Convention should be asked to engrift into their fundamental law a prohibition that will restrict that corporation in the discharge of its duties as it sees fit. There is not another state in New England that has a constitutional prohibition against free passes. Are we here to say that the people of New Hampshire are more susceptible to bribery than they are in the other five states where this corporation transacts its business. Only one state besides New Hampshire, in all this system of the six New England states, has enacted a statute against free passes, and that is the state of Maine

The other four states have not any law of any kind upon their statute books or in their constitutions. They leave it to the honor and to the integrity of their people and of the corporation to settle these things among themselves.

Now I hope that this proposed amendment will not become a part of our fundamental law. As the honorable gentleman from Concord, Mr. Chandler, has said, this railroad has a franchise giving it the right of taking land by eminent domain. That corporation was granted its charter by the legislature of this state, and is responsible to the legislature of this state for the conduct of its affairs. The legislature of this state compels this corporation to sell mileage tickets for so much a mile—tickets of 1,000 miles and 500 miles—and they otherwise control the conduct of the corporation, and I want, gentlemen, to leave this matter in the hands of the legislature who created the corporation, who have thus far governed these affairs between it and the people; but I do not want to put it into the fundamental law of the state.

The honorable gentleman from Concord, Mr. Chandler, has prepared his circular, in which he says that nine states have enacted constitutional amendments, but he does not say that there are twenty-five states in this Union that have not. He says that there are five states that have enacted laws for the prevention of the giving free passes, but he does not tell you about the thirty-nine other states that have not. Are we worse than all the rest of the Union that we have got to say that our legislators are bribe-takers and we have to enact a law to prevent their taking bribes? I think we have more respect for our legislators than to make any such amendment to the Constitution as that. The legislators come here and go away, and they do their duty, and do it impartially and not, as a class, would they accept a bribe. I desire to leave it to the good sense and sound judgment and honor of our legislators, and I hope that this resolution will not pass.

Mr. Hubbard of Amherst—Mr. Chairman and Gentlemen of the Committee: I, for one, am unalterably opposed to the

people.

I am not going to take up your time longer, but I hope this amendment will be adopted, and I hope this state will be freed from the disgrace resting upon it for all these years.

Mr. Lyford of Concord—I have no desire to interrupt the debate on this question, or to interfere with an immediate vote if it can be taken. But the hour for the special order, which is the reconsideration of the vote on woman's suffrage, has now arrived. I want to deal entirely fair with the gentlemen who are interested in this measure, and for the purpose of taking the sense of the committee I move that the committee do now arise, report progress, and ask leave to sit again.

The motion being stated by the chairman, prevailed.

In Convention.

(The President in the chair.)

Mr. Little, chairman, from the Committee of the Whole, reported that the committee had been in session, having had under consideration the various resolutions relating to free passes on railroads, and had voted to rise, report progress, and ask leave to sit again.

Leave was granted.

The special order was called for, it being the motion of the gentleman from Concord, Mr. Lyford, to reconsider the vote whereby the resolution of Mr. Thompson of Warner to amend article twenty-seven, part two of the Constitution, by striking out the word "male" passed the Convention.

The following communication from the Hon. Henry W. Blair was read:

MANCHESTER, N. H., December 6, 1902.

To President Streeter of the Constitutional Convention, in session, Concord, N. H.

Dear Sir:—Understanding that there is a proposition before the Convention for submission to the people, so amending the Constitution as to confer the right of suffrage upon women, and being in favor of the proposition, I respectfully beg leave, through you, to express my approbation of the same, and to request the Convention to submit such proposition to the people, that the sentiments of the legal voters of the state may be duly expressed thereupon at the ballot box.

I shall not argue this question at any length, because, if there be any gentleman of the Convention without convictions upon this great subject, it is too late in his life, and in mine, to enter upon the investigation.

I would respectfully call special attention to the fact that the true mission of the Constitutional Convention, in my

opinion, is to give to the voters the opportunity to express their views upon subjects affecting the public welfare, and that the submission of this or any other proposition to the people by no means implies that the sentiments of the Convention are necessarily favorable to the proposition; and I should consider any member of the Convention who might vote for the submission of this or any other proposition to the people, for their action, entirely at liberty to oppose the same, both in subsequent discussion and at the ballot box.

For more than half a century the proposition to allow women to vote has been discussed in New Hampshire and throughout the country.

During this time great changes have occurred in public opinion upon many questions, social, political, and theological.

No one of them was more important than this. It is time that opportunity be given for some expression of the sentiments of the people upon this subject.

If it should be found that but a fragment of our population has been convinced that women should have the right to vote by all this agitation, the agitation may as well cease; but, on the other hand it may appear that the public judgment has been and is maturing in favor of the exercise of her just numerical share of the sovereignty by woman.

Should this be found to be the case a strong impetus would be given to what many believe to be a great advance in the cause of human liberty, the promotion of universal justice, and of truly republican government, throughout the world.

The republican form of government vests the sovereignty in the people. The only other logical form of government is the one man power. Sovereignty is sovereignty whether it be vested in the despot or in the masses of mankind; and if vested in the masses, there is no natural or logical reason why it should be confined to the male sex.

The right exercise of sovereignty is dependent upon the virtue and intelligence of the sovereign.

Neither virtue nor intelligence is confined to males, nor is

the exercise of the sovereignty an act to be restricted to the males of the community, because they are males.

The suffrage can be conferred in the republican form of government only because the voter has the necessary virtue and intelligence to qualify him for its proper exercise.

Woman can be deprived of the suffrage only because she is so deficient in virtue and intelligence as to be incapable of properly exercising it.

Voting, or intelligent and honest exercise of the suffrage, is an act of the mind and not of the body. The soul is of no sex, and this whole sex argument in connection with the suffrage is utterly illogical and absurd.

If the sex of the voter is to decide the right to vote, it would be difficult for man to show that his sex is any more important than that of woman.

How much more important is a man than a woman in raising a family of children? How much more important is man in society than woman? Is his life worth more? Is the dollar worth more because he owns it? Do human rights require less protection because they belong to women rather than to men?

If man be physically stronger than woman, he is in less need of the law than woman, and should have less voice in the making of it, and woman should vote and make laws rather than man.

I believe that if the government is to be confined to but one sex we would be better governed by women than by men.

Woman is more religious than man, and she is instinctively of a higher ideal in moral and spiritual things.

With equal opportunity she is the equal of man intellectually. There is no public question which agitates, or has agitated, the American people which women have not mastered and upon which they cannot vote as intelligently as the male population.

No public speaker in your Convention will rise in his place and say that the women in the audiences of New Hampshire, during the last quarter of a century, have not comprehended financial and economical questions as well as the men.



is so dependent, woman often withholds the true expression of the secret desire of her heart for the exercise of the full-orbed rights of a human being.

But, without taking the time of the Convention, as one of the stronger sex, of mature years, anxious for the highest good of our state, our country, and the world, I earnestly desire that women shall have every right that I have, or that any body has.

I beg of the Convention to give the people an opportunity to make women free as men are free, in the state of New Hampshire.

Trusting that I may not too far trespass upon your courtesy or upon the time of the Convention in asking that the contents of this letter may come to its knowledge, I am, my dear sir,

Very respectfully your obedient servant,

HENRY W. BLAIR

The President—For the information of the Convention the chair will state the question. On December 11 the Convention adopted the following amendment: "*Resolved*, That the word 'male' be stricken from article twenty-seven, part two of the Constitution." After the passage of that amendment, a motion to reconsider was made, and that motion was laid upon the table and was made a special order for this hour. The question is upon the adoption of the motion to reconsider the vote whereby the amendment was adopted. Is the Convention ready for the question?

Mr. Leach of Franklin—I desire to detain the house but one moment. I think in a matter of this importance I ought to put myself on record as to why I vote as I shall vote on this resolution. It is my firm belief that three fourths at least of the entire women of this state do not desire the right of suffrage. I believe, gentlemen, if each one of you will take his own personal acquaintances and ascertain the opinions of those whom he reveres he will see that three out of four good women for whom he has respect would not ask this privilege of voting. I have n't any doubt but that when it is made to appear to the legislature of this state that a large majority of the intelligent women of the state desire the right of suffrage it will grant it to them. Now if it is a fact that the majority of the intelligent women of the state do not want to vote, what would be the practical result of giving them the franchise. To my mind, it would be this,—the less intelligent and less moral women of the country would be found at the polls; every man who would sell his vote for \$5 at an election would be there, and take his wife, if he has one, and his daughter, if he has one, and make so much more for the family. Gentlemen, would your wife and mine go to the polls when such a condition as that exists? I say "No."

Gentlemen, I think we made a mistake when we did n't have a chance to vote on the amendment proposed by the gentleman from Littleton, Mr. Aldrich. I was very sorry that we could not have acted upon it, for if we had and his proposition

of women from other states with reference to woman's suffrage, and have received many arguments and pamphlets from other cities against it.

There has been read to this Convention a communication from Hon. Henry W. Blair. I desire to off-set that voice from the past with a voice from the present. I have in my hands a *Manchester Union*, and in it is an article which perhaps some of you have read and some have not. It is an address made by the governor-elect of New Hampshire, and I desire to read an extract from his remarks:

"In this period of activity among the promoters of so-called equal suffrage, however much we may force it, we should not lose sight of the fact that the future welfare of the country will be determined in the homes of the nation rather than at the ballot box. The affairs of state and nation will be shaped in the future as in the past by people whose principles of hon-

esty, integrity, and morality have been fixed by home influence in youthful days rather than by legislation. What honest man to-day cannot recall the home influence expressed in the fondness and devotion of a mother, the deep affection of a sister, or the love and fond encouragement of a wife, in the sweet atmosphere of home, stimulating him to better and greater deeds.

"We should remember that participation of woman in public affairs always tends to draw her interest away from her most sacred duty, that of home making. He who compares the condition of the shackled slave in bondage with the condition of women without the ballot box has but slight comprehension of the sphere and influence of woman in shaping the destiny of the nation through home influence and would be almost justified in comparing the condition of shackled inmates of hell with the saints of heaven.

"When woman wants the ballot no honest, intelligent man will withhold it from her. The lack of interest among women in securing the ballot is not so much from failure to recognize its value as from a true appreciation of their present exalted position in the homes of the nation.

"When woman wants the ballot this organization will not be an obstacle in her path and will even help her to secure it, but in the discussion of the matter let us not overlook the importance of an earnest effort to inspire woman with a true appreciation of her present influence and power as a home maker and character builder, and the loss to the nation from any movement that detracts in the slightest degree from her intuitive conception of mind and heart in her noble mission of contributing to the home-making and home-loving tendency of the American people."

Those are the remarks of the gentleman whom you elected as chief magistrate of this state. They were made after he had been master for eleven years of the State Grange, and has visited the homes throughout the state. He speaks as a man of experience in regard to the homes of New Hampshire, and I do not believe that anybody on this floor could address

law.

We have only to recall what was done in this chamber last Friday to prove conclusively that suffrage is not a natural and inherent right. On that day we voted to submit to the people an amendment to our Constitution which provided for an educational test for voters. Under the provisions of that amendment, if it is adopted, very many men who are otherwise qualified for the suffrage are disenfranchised because a great many of them may not be able to read and write in the English language, although they can in their own tongue, and they may own property, and yet they will be deprived of the right of suffrage. Now, I did not hear a single member of this house rise to complain and say that it was an outrage upon those men and an outrage upon the inherent and inalienable right of those people to deny them the right to vote. There was not one in the house heard to utter a protest

against the proposed amendment, or to say that it was wrong to have taxation without representation.

Our Constitution speaks of life, liberty, and the pursuit of happiness, and says that those are the inherent rights of the people, but it does not state anywhere that representation is an inherent right or that the right of suffrage is an inherent right.

I am opposed to woman's suffrage because I believe it is fundamentally, organically, and functionally wrong. I believe the place and sphere of women is the home. I believe that society rests upon the family, and that as the family is vigorous and strong and happy and prosperous, in the same degree and in the same ratio is the government and the state well governed and prosperous.

Mr. S. W. Emery of Portsmouth—I had no intention of taking part in this debate, but I think every one should be able to explain the ground upon which he stands in this matter.

I have heard no one complain that women are oppressed, that is, any legislation that they ask for that they cannot get, or that they in any way are denied any rights except the right of suffrage. In this state, within the last fifty years, women's rights of holding property have been extended as fast as the spirit of the times warranted, and I have heard no one complain that a woman in respect to her property does not have as much right to act with reference to it as her husband does with reference to his property.

It has been said in this Convention if you get women into politics it is going to purify it. In the state of Colorado they enfranchised women fully in 1893, and in the city of Denver at the last election there were some forty or fifty of the leading Democratic and Republican lawyers who joined in a request that the repeaters and thugs and such like be punished for violation of the election laws, and it was said that some of the people accused of violating them were women. Now if we bring women into politics it will not elevate politics but it will degrade the women.

**suffrage. The evils predicted have not come to pass. The** benefits claimed for it have been secured, or are in process of development. A very large proportion of Colorado women have conscientiously accepted their responsibility as citizens. In 1894 more than half the total vote for governor was cast by women. Between 85 and 90 per cent. of the women of the state voted at that time. The exact vote of the last election has not yet been estimated, but there is reason to believe that the proportional vote of women was as large as in previous years.

The vote of good women, like that of good men, is involved in the evils resulting from the abuse of our present political system; but the vote of women is noticeably more conscientious than that of men, and will be an important factor in bringing about a better order."

This statement is signed by forty or fifty of the leading

men in education and politics. It has come directly from the state where the evils that have been spoken of are said to exist.

I wish simply to notice one allusion made by the gentleman from Franklin, Mr. Leach. He says if women are granted the right of franchise that only the less intelligent and the less virtuous of the women will improve their opportunities. If that is his estimate of women, I wish to say here, and wish to be put on record, that it is very different from mine. I do not believe that the good women of the state are going to stay closeted at home after asking this privilege and after it has been conferred upon them. I do not believe these women will stay at home and see the less virtuous and the less intelligent represent them when they have asked to have this privilege conferred upon them.

The gentleman says the home influences will be corrupted and weakened. As though the women, the mother and the sister, could not give two days in a year to look after public interests without ignoring her home! That is a bare assertion that cannot be sustained. There is no argument in it.

Now, gentlemen, if we confer this right upon the women of this state it is not the less virtuous and the less intelligent who will avail themselves of the privilege, but it is the good women who come here and who have asked us simply for the privilege of submitting this question to the people. They do not ask us to confer suffrage upon them, but they ask in the most courteous terms that we give them the right to go to the people of the state and to ask the people if they are willing to confer it.

Mr. Edgerly of Somersworth—I did not intend to say anything upon this question to-day, as I have already expressed myself in favor of this resolution, when it was before the Convention last week.

Since that time, we have been flooded with foreign literature and newspaper criticisms from the opponents of women suffrage. After such examination of these documents and



**day for wages hardly sufficient to sustain life, every member of this Convention ought to be in favor of granting it at once.**

Mr. Pillsbury of Londonderry—Does the gentleman from Somersworth wish us to infer that there are sweat shops existing in the state of New Hampshire, compelling women to work twelve or thirteen hours a day?

Mr. Edgerly of Somersworth—I do not wish to assert that, but there are such shops in this country, and as the gentleman, who spoke so eloquently on Trusts, said, “The example of New Hampshire may help the poor suffering women, where those conditions exist.”

Mr. Lyford of Concord—I desire, Mr. Chairman, simply to make a statement—This Convention must not be drawn away from the point under consideration—Some members, in discussing this question, evidently apprehend that we are to

settle this matter here and now, and perhaps fear that after we have settled it the women will be here and occupy our seats. This question is a question of submission to the people whether they are in favor of granting the right of suffrage to women. The people who will vote upon that question are the present voters—the men.

The gentlemen who have argued against this question are positive in their assertions that a majority of the men are opposed to this amendment. In addition to that, they say that a very large majority of the women are opposed to this amendment. I know of no more convincing illustration of woman's influence upon men than the example given this Convention by the gentleman from Littleton, Mr. Aldrich, of the influence upon him of women.

Now then, if all women, or nearly all, in this state do not desire the franchise and they have the influence with their husbands and their fathers and their brothers that is asserted here by those opposed to the submission of this question to the people, then the gentlemen need have no fear of the amendment being carried by the people.

I shall vote against the reconsideration of this question and in favor of submitting it to the people.

Mr. Woodbury of Bedford—Unfortunately for me I arrived at this session too late to have heard all the arguments that were made this morning upon this question. I feel, with the gentleman from Portsmouth, Mr. Emery, that I should be delinquent if I failed to express the opinion of one of your body on this subject.

Gentlemen have stated that the action of this Convention is conclusive upon this question—that no man should vote here as he will not vote at the polls. But it seems to me that the views of the gentleman from Concord, Mr. Lyford, is the more correct. If I understand our position correctly, we are asked to grant, not a privilege, but a right. It is the right of suffrage, and it is a right dependent in its last analysis upon the power of the voters to bear their just share of the burdens

**injury in some aspects to introduce into the contest of the primaries and the conventions the sacred gods of the household that we like to guard from anything of that kind. But I take it we are to remember that the women come to us saying that they want to share with us still more largely in the burden of public affairs, and that they want to have a larger voice in the management of the affairs of the state of New Hampshire, and it is for us to determine whether they are to be treated like children and told "no," or to be treated like superiors who have only to prefer a request and it is granted at once.**

Mr. Jewett of Laconia—At the time this matter came before the Convention I did not ask the privilege of addressing you, but in view of the motion which is now being considered I deem it my duty to express my views very briefly, and it must be so because I see the hour is fast approaching when the vote is to be taken

I want to preface what I am about to say by stating that I take no second place to any man in this Convention, or any man in the state of New Hampshire, in my respect for womanhood. No man who has sat at his mother's knee, or who has regard for his wife, mother, or sister, can accuse me of want of respect for womankind. But notwithstanding this, I am not prepared to vote for the amendment suggested by the gentleman from Warner, Mr. Thompson, that the word "male" should be stricken from article twenty-seven of the Constitution. I do not believe there is any public exigency, or any demand on the part of the women of New Hampshire, which necessitates any such amendment of the fundamental law of this state. I am not prepared to say how many women of New Hampshire ask for this amendment, but as far as has come to my knowledge I understand there are something like 2,600 women who ask for it, and there are about 110,000 women, Mr. President, who ask nothing of the kind. I may be right, and I may be wrong, but I assume that I am right.

Now, the proposition suggested here is to strike out from article twenty-seven the word "male." That article reads now as follows:

"The senate shall be the first branch of the legislature, and the senators shall be chosen in the following manner, namely, every male inhabitant of each town and parish with town privileges," etc.

The purpose is to strike out from that article the word "male" so that it will read: "Every inhabitant of each town and parish . . . of twenty-one years of age and upwards," shall have the right to vote. There is an able standing committee to whom matters of this kind should ordinarily be referred, namely, the Committee on the Judicial Department, and the question ought to be referred to them as to whether or not the elimination of the word "male" will place upon every inhabitant above twenty years of age the absolute right to vote, whether naturalized or otherwise.

It seems to me that this Convention cannot afford to place before the people of New Hampshire the stamp of its approval

**ROCKINGHAM COUNTY.** Conley, Flanders of Brentwood, Knowles, Kelsey of Deerfield, Gillispie, Abbott of Derry, Wetherell, Pillsbury, Battles, Peaslee, Emery, S. W., Emery, S. P., Paul, Ham, Wingate.

**STRAFFORD COUNTY.** Leighton, Hanson of Dover, Nealley, Nute of Dover, Chesley, Webb, Gerrish, Moore, Chamberlain, Furbush, Gehnas, Cochrane, Gunnison, Libby, Leary, Roy, Morin, Hall of Strafford.

**BELKNAP COUNTY.** Morrill of Gilford, Pulsifer of Laconia, Ward, Jewett, Thompson of Laconia, Rogers, Fellows.

**CARROLL COUNTY.** Hobson, Dorr, Sanborn of Wakefield, Hersey.

**MERRIMACK COUNTY.** Blodgett of Allenstown, Buxton, French of Bradford, Virgin, Mitchell of Concord, Foster,

Walker of Concord, Howe, Casey, Jordan, Ford of Danbury, Sanborn of Franklin, Leach, Wilkins, Head, Messer, Todd, Chickering, Truesdell, Miller, Lang.

HILLSBOROUGH COUNTY. Whitaker of Deering, Peavey, Fogg, Smith of Hillsborough, Marsh, Tarbell, Lambert, Abbott of Manchester, Cross, Green of Manchester, Dodge of Manchester, Boutwell, Jones, Robinson, Tremblay, Lord, Hill, Precourt, McDonough, Tonery, Starr, Horan, Sullivan, Griffin, Jennings, McAllister, Quirin Joseph, Clement of Manchester, Richer, Provost, Plante, Quirin Eugene, Guerin, Hall of Manchester, Trinity, Gordon, Raymond, Spring, Harriman, Ledoux, Hallinan, Proctor, Shedd, Farley, Slattery, Blanchard, Seavey, Scott, Richardson, Bales, Chapman.

CHESHIRE COUNTY. Learned, Collins of Gilsum, Farwell, Buckley, Hall of Keene, Woodward, Osgood, Emory, McClure, Day, Stone of Troy, Spaulding, Goodnow.

SULLIVAN COUNTY. Brooks, Tenney, Colby, Burpee, Holmes, Bradley, Barton, Penniman, Brown of Springfield, Brockway.

GRAFTON COUNTY. Bucklin, Dearborn of Ashland, Parker of Benton, Morrill of Bridgewater, Chase of Bristol, Pulsifer of Campton, Richardson of Canaan, Dresser, Walker of Grafton, Kidder, Ward, Colby of Hanover, Westgate, Sloane, Jewell of Hebron, Flanders, Drake, Henry, Aldrich of Littleton, Morse, French of Orange, Lamprey of Orford, Wentworth, Craig of Rumney, Green of Waterville, Shute.

COOS COUNTY. Moffett, Rich, Daley, Boudreau, Murray, Johnson, Thurston, Kent, Hartley, Phipps, Pike of Stark, Hinman, Dodge of Whitefield.

The following named gentlemen voted in the negative:

ROCKINGHAM COUNTY. Sanborn of Auburn, Eaton, Kimball of Danville, Sanders, Eastman, Follansbee, Fuller, Leddy, Hooke, Sanborn of Hampstead, Weare, Shaw, Chase of Kings-

**Wilson of Hill, Putnam, Wyatt, Green of Pittsfield, Thompson of Warner.**

**HILLSBOROUGH COUNTY.** Hubbard, Woodbury of Bedford, Kimball of Bennington, Fessenden, Downes, Colby, Paige of Goffstown, Bacon, Holman, Powers of Hollis, Briggs, Hunt, Little, Rose, Gilmore, Farrington, Harvey, Irwin, Allen, McQuesten, Powers of Manchester, McElroy, Greager, Nettle, Paige of Manchester, Whitaker of Mason, Knight, Rotch, Worcester, Hamblett, Clough of Nashua, Parker of Nashua, Wason, Runnells, McKay, Flather, Desmarais, Dodge of New Boston, Morrison of Peterborough, Simons.

**CHESHIRE COUNTY.** Cooke, Amidon, Blake, Poole, Annett, Taft, Wright, Fokett, Newell, Craig of Marlow, Cass, Buckminster, Rugg, Clement of Surry, Kiniry, Davis.

**SULLIVAN COUNTY.** Mitchell of Acworth, Stockwell, Ros-

siter, Fairbanks, Ide, Hanson of Goshen, Noyes, Bartlett, Newton.

GRAFTON COUNTY. Carbee, Hildreth of Bethlehem, Ashley, Young of Easton, Avery, Cumings, Parker of Franconia, Pike of Haverhill, Glazier, Dewey, Hibbard, Woolson, Morris, Green of Littleton, Melvin, Warden, Russell, Woodbury of Woodstock.

COOS COUNTY. Wight of Berlin, Miles, Titus, Britton, Wight of Dummer, Evans, Crawford, Perkins, McKellips, Blanchard, Watson, Philbrook, Aldrich of Whitefield.

And 177 gentlemen having voted in the affirmative and 186 gentlemen having voted in the negative, the motion to reconsider was lost, and the resolution was referred to the Committee on Time and Mode of Submitting to the People the Amendments Agreed to by the Convention.

The chair appointed the following Committee on Publishing the Reports of the Proceedings of the Convention, in accordance with the resolution adopted yesterday: Messrs. Buxton of Boscawen, Jewett of Laconia, Bales of Wilton, Spring of Nashua, and Jones of Manchester.

Mr. Chandler of Concord called for the special order, it being the amendment reported by the Committee on the Bill of Rights and Executive Department in relation to trusts, together with the resolution of the committee that the amendment be adopted.

Question: Upon the adoption of the resolution.

By unanimous consent, at the suggestion of Mr. Aldrich of Littleton, the word "thereof" at the end of the amendment reported from the committee was stricken out.

Mr. Hamblett of Nashua—I said last evening that I did not intend to engage in any discussion of this matter, but after



oppose such combinations. The fact is, gentlemen, that the state of New Hampshire has already declared through its legislature from time to time against these combinations, and we have given to the world, and to the gentleman who presides over the affairs of this country, those very remedies which the gentleman from Littleton, Mr. Aldrich, said were necessary, namely, publicity and control. Examine, if you will, the statutes of New Hampshire, authorized by and based upon the Constitution which you seek to amend. Can we have any of the unlawful corporations complained of? Not one. The corporations organized under the laws of this state, unlike those of many other states, must have a paid-up capital, and that capital must be paid in in cash; any false returns made under oath—and the statute provides that returns shall be made under oath—make the person filing such returns guilty of perjury; the over-issue of any of the capital stock is a criminal offense; under our statutes a stockholders' liability is

created; and every opportunity is given to ascertain how these corporations are managed and controlled. These laws for the most part have been tested, and the supreme court of our state has declared that they are constitutional. Now why should we incorporate into our Constitution that which is unnecessary; that which the author of the resolution, the gentleman from Concord, Mr. Chandler, and that which the gentleman from Littleton, Mr. Aldrich, have said is simply for the purpose of declaring to the world our position with reference to this matter, when this state, through its legislatures, has been one of the foremost in the nation in enacting laws to prevent these combinations of which they complain.

I should like to ask the gentleman from Littleton whether or not the resolution which he has offered here will prevent the organization of labor, and I should like to have him answer it at this time if he will.

Mr. Aldrich of Littleton—I will take the opportunity in my five minutes.

Mr. Chandler of Concord—In answer to the assertion of the gentleman from Nashua, Mr. Hamblett, that there is no need of putting this amendment into the Constitution, I desire to call the attention of the Convention to the fact that our national and state Constitutions do three things. First, they frame a form of government; second, they announce principles which are for the protection of the people; and, third, they command the legislatures to conform to those principles.

Mr. President, the Constitution of the United States is full of the enunciations of principles. It forbids any law establishing religion; forbids any law against free speech or a free press; forbids any law against the right of petition or the right of the people to bear arms; prohibits the quartering of soldiers on the inhabitants, except in time of war; forbids unreasonable searches and seizures; forbids the taking away of jury trials; it enunciates principles against unreasonable bail and unreasonable punishments.

**the length and breadth of the state and to command—not to permit, but to command future legislatures to enforce that principle.**

Mr. Howe of Concord—Mr. President and Gentlemen of the Convention: The single naked question is a question of necessity. Do we need in our Constitution the amendment proposed? I am not, Mr. President and gentlemen, a stockholder or a bondholder in any trust. I do not ride upon the free pass of any trust; I do not send my telegrams under the frank of any trust; I am not interested in any manner whatsoever in any trust; but I believe that we have in our Constitution everything that we need upon this subject, and that it is inadvisable to annex to our Constitution this proposed amendment. Our duty here is to revise the Constitution if it needs it; not otherwise. It is important to see, before we make any amendment of our Constitution, whether the Con-

stitution is in need of amendment. We are not here to defend trusts, or to attack trusts, or to decide whether or not they are an evil, but simply to leave our Constitution, when we are done with it, in the best shape in which we can put it.

The vital question is, whether there is not enough authority now in the Constitution. No gentleman who has advocated this amendment has claimed that there is not ample authority to enable the legislature to enact such legislation as is necessary for the control of trusts, or the dissolution of trusts if that is the thing best calculated to further the interests of the state.

If the gentlemen who think some action upon this question should be taken will kindly look at article five, part two of the Constitution, and see what authority the legislature has at the present time. That article reads as follows:

“And, further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties or without, so as the same be not repugnant or contrary to this Constitution, as they may judge for the benefit and welfare of this state and for the governing and ordering thereof and of the subjects of the same.”

Full power and authority the legislature already has, and, gentlemen, what more than full power can you give to the legislature? When they have that, why annex to the Constitution an amendment? It is perfect as it now is. Why, gentlemen,—and this is the point,—why should we attach something to the Constitution which is unnecessary, wholly unnecessary? Have n't we as members of this Convention already enough to answer for without sending out a thing of this sort to the people? Now the only argument in favor of these resolutions against trusts would apply as well to stealing. The Constitution gives the legislature exactly the same authority to control trusts as to control and punish stealing. Do you need additional authority in the Constitution for the prevention of stealing? You need exactly the same, and

**petition in the trades and industries, and that the legislature** be further authorized to employ such additional power as may be necessary to secure that result, will be advantageous and wholesome

In answer to the question of the gentlemen from Nashua, Mr. Hamblett, and the gentleman from Portsmouth, Mr. Cullen, with reference to whether this prohibits trades unions, I would say, in my opinion, it does not. If it did, I certainly would vote against it. I believe trades unions are essential to the protection, the welfare, and the improvement of the workmen, and there should be nothing in this declaration of rights which will impair it or in the least degree modify the right that now exists. Never should there be anything to prevent the organization of labor, an instrumentality which has accomplished so much for the benefit of both labor and capital.

I trust, Mr. President and gentlemen of the Convention, that this resolution will pass unanimously.

Mr. Cross of Manchester—Mr. President and Gentlemen: Show your colors. Which side are you on? Are you for the trusts? Are you for free and open competition? Are you for upholding Roosevelt in his struggle with the money power in this land? Did you read in the *Advertiser* of Boston yesterday that account of the beef trust—the conservative *Advertiser* says that a beef trust is formed which will control the food, at least the beef, of an hundred and fifty millions of people—people of this country, people of Great Britain, of Germany, and of all Europe. It is already formed, and unless some power shall prevent, the beef trust will raise prices of meat from ten to thirty or forty per cent. When this struggle is going on, when from the East to the West the people of this country are looking about to see what the sentiment of New Hampshire on this subject is, shall we say we don't know anything about it, we think there is enough in the Constitution to protect us, we do not care to utter our sentiments, we do not *dare* raise our hands to help in this work? In my view, this is one of the most important questions that has ever come before the American people. It is a struggle for national life, and what shall we do or attempt to do? Whether there is anything in the Constitution giving the legislature sufficient power to control trusts or not I do not care. I know this question is now before me, and as a legislator I must give my vote and my voice in favor of this resolution.

Mr. Aldrich of Littleton—Mr Chairman, I am very glad that we have heard the grounds of the opposition of the two gentlemen who have spoken against this proposition to amend the Constitution. At the time the declaration, to which the gentleman from Concord, Mr. Howe, has referred, was put into the Constitution what we now call trusts were not known. The resolution before us to-day is directed against present monopolies, against new creations, and in the presence of such

ence goes, in the industrial and commercial conditions in this country, and this would help to make labor unions and strikes unnecessary; it would help to protect labor. I think it perfectly clear that what is proposed to be done, through the amendment, is to declare it unlawful for combinations, conspiracies, and monopolies, by unfair means, to raise prices in the trades and industries.

Now, let me ask gentlemen on this floor whether labor unions are created for the purpose of raising the price of commodities.

I hope the proposed amendment will be adopted unanimously.

Mr. Sanborn of Franklin—Inasmuch as the distinguished gentleman from Littleton, Mr. Aldrich, has alluded to me as being on the committee, I wish to disclaim all thought in regard to the union of labor. That matter was not at all suggested.

I did not suppose that by this declaration we should bring about an Elysium in New Hampshire, but I thought possibly it might give a little lift to the strenuous president and help him bring his party into line so as to take the tariff off from coal.

Mr. Chandler of Concord called for a division.

The division resulted in 313 gentleman voting in the affirmative and 2 gentlemen voting in the negative, and the resolution of the committee was adopted and the amendment referred to the Committee on Time and Mode of Submitting to the People the Amendments Agreed to by the Convention.

The following resolutions, previously adopted by the Convention, were referred to the same committee: That of Mr. Morris of Lisbon, to extend jurisdiction of police courts; Mr. Russell of Plymouth, military; Mr. Norris of Portsmouth, taxation.

On motion of Mr. Stockwell of Claremont, the Convention adjourned.

#### AFTERNOON.

The Convention met according to adjournment.

(The President in the chair.)

On motion of Mr. Stone of Andover, the resolution offered by that gentleman in relation to the supreme and superior courts was indefinitely postponed.

Mr. Gilmore of Manchester—I wish to make a motion in regard to the resolution of Mr. Baker of Bow with reference to voting precincts in the large cities and towns. Early in the session the gentleman from Bow, Mr. Baker, introduced a resolution which was referred to a committee and reported back to the house and adopted. Now, in the interests of all



vides that the votes shall be counted in the presence of the moderator and selectmen and other officers. Of course if this should remain as it is, all the ballots cast at the different precincts would have to be taken to one place and counted so that the officers specified could be present. The purpose of the gentleman from Manchester, as I understand it, is not in any way hostile to the amendment, but he desires that it should be so amended that provision can be made for the counting of the ballots at the precincts where they are cast. It is with no hostility toward the general purpose, but only for the purpose of perfecting the detail.

The motion to reconsider was adopted and the resolution recommitted to the Committee on the Legislative Department.

On motion of Mr. Jones of Manchester, the resolution of-

ferred by Mr. Starr of Manchester to amend article sixty-six, part two of the Constitution, relating to secretary of state, state treasurer, labor commissioner, and railroad commissioners, and to provide for their election by the people, was indefinitely postponed.

On motion of Mr. Kent of Lancaster, the resolution offered by Mr. Foster of Concord, relating to pensions, was recalled from the Committee on Time and Mode of Submitting to the People the Amendments Agreed to by the Convention.

On motion of the same gentleman, the vote whereby the above resolution passed the Convention was reconsidered.

The resolution was then laid upon the table.

Mr. Howard of Portsmouth, from the Committee on the Legislative Department, to whom was referred the several amendments to article twenty-five of part second of the Constitution, relative to the increase of the membership of the senate, offered by Mr. Wingate of Stratham, Mr. Baker of Bow, Mr. Aldrich of Littleton, and Mr. Blake of Fitzwilliam, reported them with the following resolution:

*“Resolved, That it is inexpedient to amend the Constitution in this respect.”*

The report was accepted.

Question, upon the adoption of the resolution.

On motion of Mr. Baker of Bow, consideration of the resolution of the committee was postponed until after the disposal of the special order assigned for this time.

The special order was called for, it being the report of the majority and minority respectively of the Committee on the Legislative Department with reference to the various resolutions before them relating to the subject of representation.

**minority for the majority report, then you are reversing your action of the other day.**

The only question, as it seems to me, which presents itself to the Convention at this time is whether or not the basis of representation in future shall be upon the basis of 600 for the first and 1,800 for the second representative, or 800 for the first and 1,600 for the second. That seems to me to be the important question that confronts us under this motion. And I think we can arrive at it in this way quicker than in any other.

Since this matter was fully discussed before this Convention I have taken much pains to satisfy myself of the feeling of my constituents and of the people in the vicinity in which I live, and I have been assured in every single instance by members of both political parties that any other method while the town system obtains than the 600 for the first representative would be voted down as surely as submitted to the people.

Now, with reference to the basis of 1,800 for the second representative. You will remember that the resolution of the gentleman from Newport, Mr. Barton, was that the second representative should be elected on a basis of 2,000. Now why has it been cut down to 1,800? Because there was complaint by the representatives of the cities and the larger towns that it took too many representatives from them, and we have consented universally, so far as I know, to drop the basis for the second representative from 2,000 to 1,800, which will reinstate nine representatives. The city of Manchester will gain two—Ward One and Ward Ten, one each; the city of Nashua will gain one, the town of Claremont will gain one, and the city of Berlin will gain one of its representatives. None of these come from the smaller towns.

Gentlemen, we have tried to approach this matter in a spirit of fairness. Everybody knows the disadvantages under which the small towns in the state labor, and all we ask in this matter—and we ask it in a spirit of broad liberality and charity towards the small towns of this state on the part of this Convention—is that the principles of representation should be applied to the towns of this state as are applied by the government of the United States in dealing with the various states. Can we not afford to be as charitable towards them, the little towns, as the general government is towards the little state of New Hampshire in allowing her equal representation in the United States senate with New York and the other powerful and popular states of the Union?

I say, gentlemen, we are not asking too much. How do we leave some of the larger towns and cities by this minority report? Take Manchester, for instance, which now has a representation of forty-nine. The minority report will leave her with thirty-three representatives, which will then have two representatives more than all the rest of Hillsborough county. Is that a hardship for the city of Manchester? The same proportion also will apply to the other cities of the state. I say that the minority of the committee have asked nothing out of the way, and that their report should be substituted for that of the majority.

Now, then, what is all this smoke about? What is the issue and why the contest that has engaged us practically for the last ten days? To put it in plain English, fairly and squarely, what is it? It is whether or not the Convention here assembled shall submit to the people a proposition pro-rating forty-two towns more in the state of New Hampshire. Forty-two towns are all that is in issue. The principle has been settled, and you know I voted with you for that. I believe in the town system for the present, as against the district. I ask you if there is a man here that believes that the house of representatives should not be reduced, and if it should be reduced should not it be reduced fairly as the Constitution provides? If that is true, the gentlemen who are here, both those from the cities and from the towns, must look at this question in a fair and impartial way.

This, as I have said, is the question of forty-two towns. I have the names of the towns in my pocket, but the time is so

limited I will not attempt to enumerate them. There are forty-two, and only forty-two which are affected. Is it a rank proposition to submit to the people of New Hampshire that forty-two additional towns should be pro-rated when for thirty years sixty-nine towns in the old state have been pro-rated? Is it a departure from the footsteps of our fathers? No. It is the same step we have taken and the same principle under which we have lived since 1876. Eight hundred for the first representative and 1,600 for the mean increasing ratio is the same proposition as 600 for the first and 1,200 for the mean increasing ratio. It has worked well and fairly for twenty-six years and there was no complaint from anybody with reference to it.

The gentleman from Peterborough, Mr. Scott, represents one of the largest towns in our county, and he believes in giving these little towns the right of representation. If you carry his principle and theory to its logical results you would have to cut down the basis of representation for the first representative to 300. So the little town of Temple that my friend Hadley represents could have a representative all the time. That is the proposition. If you are going to make 600 an arbitrary number for the first representative, why should you not go a step farther and protect the small towns of even a less number of inhabitants than that. To be fair upon the principles upheld by the gentleman from Peterborough, and by others pleading for the small towns, you would have to take such a course as that.

Let us decide to submit something here that the voters in the cities will vote for and that the voters in the towns will vote for. Then we have discharged our duty, and have acted fairly with ourselves and have acted fairly according to our own judgment. I believe if we adopt the report of the majority of the committee that it will be doing just that and will be carrying forward the principles that actuated our predecessors and under which we have lived and prospered for the last quarter of a century. My friend from Peterborough, Mr. Scott, says that it will not be adopted. Let it be so. We have

sleigh and to save herself she threw off one of her babies to the wolves. The baby was soon devoured, and the wolves, more ravenous than ever, still followed and rushed on to the sleigh and grabbed at the robes, and she threw another baby out to them, and still went on. This was repeated until every baby was thrown to the wolves. When, alone and childless, she arrived at her destination, she told what she had done to a woodchopper, who felled her in death with his axe—a deserved fate.

We have thrown over sixty-nine children already—sixty-nine commonwealths, and the Josh Billingses present ask us to throw over forty-two more. I want to tell you, gentlemen, that is not the end. The next Constitutional Convention will have another Josh Billings, and pretty soon every little commonwealth of the state of New Hampshire will all be thrown over to the wolves of the cities, and the farming communities will have no more voice in the affairs of government.

Mr. Chase of Bristol—I assume when the gentlemen of this Convention assembled we came here with the understanding that it was desirable and necessary in some way to reduce the house of representatives, and I assume each came here with the idea that we should endeavor to reduce it in some equitable and just manner.

We seemed to have been forced into a series of votes the other day whereby we adopted the number of 300 for one limit and the number 280 for the other limit with reference to the size of the house. We also took a series of votes whereby we arrived at the basic number of 600 for the first representative. I was one who voted for the 600, but I did not understand then, and do not now, that those votes were more than merely declaratory of our views at the time, coming as they did with the vote taken in the way it was.

Now the present increasing mean is 1,200, and the present basic number is 600, and it seems to me the fairest and most equitable basis on which we can place this matter is that proposed by the majority committee. They would increase the basic number from 600 to 800, and would increase the increasing mean from 1,200 to 1,600. Now we desire to submit something to the people, and we desire to submit something which they will approve, and I believe from what I have talked with the members here, and from the general sentiment of the community with which I am acquainted, that the proposal of the majority of this committee will come more nearly to meeting the wishes of the people than that of the minority.

Mr. Woodbury of Woodstock—Mr. President and gentlemen of the Convention: I have but a few words to say, because this very important matter has been pretty well talked out already. I do not think anything I can say or anything that any one else can say will change the mind of any one in regard to the subject.

I was one of the Committee on Legislative Department, and when this question came before us with the recommenda-



**on the hills lose the last representative they have? I ask you this question in all fairness and candor.**

I have done a little figuring in regard to this matter, and I find that under the proposition of the minority, twenty-one towns of the state of New Hampshire concede half of their representatives. And yet the delegates of those towns are perfectly willing to do that in order to get a reduction of the house of representatives, and seven towns of the state concede one third of their representatives in order to reduce the house to 325. Under the minority report the city of Concord will have thirteen or fourteen representatives, the city of Nashua will have about the same number, and the city of Manchester will have about thirty-four. If this resolution of the minority can be carried out, the house will remain at about the figure of 325 until after the next census, and it has been conceded on the part of all delegates that when the next census is taken the country towns will be still smaller and

they will have less number of representatives in the legislature while those of the cities will be more.

I do not believe we should go to work and make 111 pro-rated towns, and disfranchise the inhabitants of those towns. We should recognize their individuality as townships in the state of New Hampshire by granting them equal rights in the halls of legislation.

Mr. Chandler of Concord—Mr. President and Gentlemen: The wolves live in the country towns. There are no wolves in the cities. Perfect equality will be the district system. Perfect equality under the town system, as I said the other day, would make this house 666 members. Two hundred and sixty-six town and city babies have been already destroyed by the country wolves. Now, Mr. President, we are as much attached to our babies in the city as they are to their babies in the country. The proposition now is that we shall deliver 100 more of our babies to be devoured by the wolves of the gentleman from Wentworth.

Mr. President, I wish to treat this matter seriously. We have now come, in the last hour, to the critical contest of this Convention. I can only repeat what I have already said, that a reduction of the house cannot be made by entirely cutting from the large towns and the cities. The people would not adopt that proposition if we should unanimously ask them to do it. If this proposition for reducing the house of representatives by taking 100 members from the towns and wards which now have more than one representative is sent to the people it will be defeated. I also know that any proposition sent to the people which the country towns are against can be defeated, because the country towns and their friends from the cities who have come here in their behalf can command more than two thirds of the votes of the state. So here we are in trouble. I believe that our friends from the country towns should accept 800 and 1,600, because that reduces the house without increasing the inequality. Under the existing conditions you cannot increase that inequality and you can-

claimed for them.

There is a story that one legal gentleman of our country—a very bright man—was one day conferring in his office with the friend of a deceased gentleman who was very wealthy, but very unscrupulous. He had amassed a great deal of property by means not approved by the majority of the people. Some one said to him, "Can you tell me how much the deceased left?" "Not precisely," said the lawyer, "but I have heard a report that he left all he had." Gentlemen, that is exactly what the little towns have to do under the proposed apportionment. You rob us of the district system of perfect equality, and then you ask the towns of 800 or less to leave all they have. We, unlike the Russian mother referred to, have only one child to sacrifice and you ask us to lay that on the altar of favoritism and injustice. I hope if we adopt the town system it will be that approved by the minority.

Mr. Hadley of Temple—Mr. President and Gentlemen of the Convention: I signed the minority report, and of course I stand here as an advocate of the principles therein contained. I think that 600 for the first unit and 1,800 for the second is not asking too much from the larger towns. We have heard a good deal about the inequality of asking this, but when we stop and think that there was inequality forced upon the people of the state in 1876 when the basis was changed from ratable polls to population, we see there is where inequality began. If we should go back to the basis of ratable polls, then the proportion of one to three as recommended in the report of the minority might be inequitable, but I claim that on the basis of population the proportion of one to two, that is 600 for the first representative and 1,200 for the second, as we now have it, or 800 for the first representative and 1,600 for the second, as recommended in the report of the majority, is inequitable, and that the basis of 600 for the first and 1,800 for the second, as recommended in the report of the minority, comes nearer to equality. I claim that for this reason, because the cities and large towns of the state have a larger proportion of non-voting population than the small towns. In the small towns I undersand that the ratio of the voters to the population is about one to three, while in the city of Manchester it is only about one to seven. I think it is nothing more than fair for us to ask you to grant us this concession, if you so consider it—we consider that we have made a concession to you in cutting down the number for the second representative from 2,000 to 1,800. I hope that this Convention will adopt the minority report, and not only that, but that we shall go out in all spirit of fairness and try to have the people adopt the resolution sent to them, and endeavor not to have the work of the Convention go for nothing.

Mr. Lord of Manchester—I want to call attention to one statement made by the gentleman from Woodstock, Mr. Woodbury, who stated that on the basis of 800 and 1,600

**make me believe it is fair treatment.**

Mr. Clough of Nashua—I have figures here that were presented a number of days ago showing that the surplus population not represented is 74,000. I believe that it was so stated. I think the population of the towns which were not represented was stated as about 34,000. I think that is right, but I have not attempted to prove it.

It seems to me in considering this question here, it is not a question wholly of cities against towns, but of cities and large towns against the small towns. If it is put upon that basis it will be found that the cities and large towns have a surplus of 70,000 about, while the small towns have a surplus of 34,000. That is on the basis of 600 and 1,200. If you put it on the basis of 600 for the first representative and 1,800 for the second, you will find that in the cities there will be about 146,000 surplus, while the small towns will have only 34,000.

That does not look as though the small towns were getting so badly used as we might be led to believe by their arguments.

Mr. Smith of Hillsborough—We are willing to submit to a loss of some of our representatives, because we believe in a reduction of the house, and we are willing to bear our part in such reduction. I believe, however, that the proposition embodied in the report of the minority committee is unfair, inasmuch as it attempts to lay the whole burden of the reduction upon the large cities and towns of the state. Those who represent the small towns and those who are in favor of the town system, it seems to me, should be willing to concede something for the purpose of this reduction. I myself am in favor of the town system as against the district system, and voted for that proposition in the Committee of the Whole, and also voted for reducing the membership of the house of representatives, and we are all substantially agreed upon that point. But there is a diversity here in the manner in which the reduction should be made. I think it should be made in the spirit of fairness to all sections of the state, to the cities and large towns as well as the smaller towns, and I think the resolution reported by the majority of the committee is the one much fairer to the whole state at large.

Mr. Barton of Newport—Mr. President and members of the Convention: I certainly do not wish to stand up here and advocate an unfair proposition. I stand, I think, on correct principles. I may be a victim of my convictions, but at any rate I have no other motive than to advocate some thing which I believe is right and eminently just. I stand on this proposition where I stood on the day I introduced the resolution on this subject.

It seems to me we fail to consider the distinction between losing the last man and dropping one of many. That has been referred to a good many times, but have we carefully considered what it means—the losing of the last man who stands for a town and who appears in the court and answers

from first to last, and whatever they have put in it of the town system amounts to almost nothing. Of what effect, too, is their district system where two towns may join together to choose a representative? How will it work? The resolution provides that two or more towns who cannot choose a representative for themselves on account of their small population can join together and send a representative to the legislature, but in practice how will that work? The two or more towns will have to agree. If one wants to join with another, and the other does not want to, the whole thing is of no practical utility.

It seems to me you are placing upon the 111 towns a system which you have repudiated. If you take this step you are crowding these towns into a district system, and everybody not in favor of the district system—everybody in favor of the town system—ought to oppose this report of the majority.

That, gentlemen, is all I have to say on this subject. If

you look at the figures you will find it takes the same number—2,400—to get the second representative in both plans proposed, and as you go up the scale the two systems are identical. The only difference is that the report of the majority calls for 800 in population for the first representative, while the report of the minority bases the first representative upon 600, and it is between 600 and 800 that the damage is done.

Mr. Edgerly of Somersworth—The first speech made before the Convention on this question, if I recollect correctly, was made by the gentleman from Concord, Mr. Lyford, in favor of the district system. He represented to the members of this Convention that the district system was the only one by which absolute equality could be obtained in the representation of the different sections of the state. That proposition was opposed by many of the members of this Convention from the small towns, they declaring themselves in favor of the town system on the ground that the small towns would be practically annihilated if the district system prevailed. They told us they preferred to retain their town system, and take representation a proportionate part of the time, rather than be classed under the district system. Upon that representation many members voted in favor of the town system, when their interests and the interests of the locality from which they came were naturally in favor of the district system, and the town system was consequently adopted by the vote of this Convention.

Now these original advocates of the town system claim that the whole reduction should be made from the large towns and cities, and that the small towns should still retain the same number of representatives they now have. This does not seem fair. I believe the same ratio should be preserved between the large towns and cities and the small towns that have existed since the Convention of 1889. That is exactly what the delegates from the small towns told us they were willing to do, if the town system could be retained.

How do the delegates from the small towns expect members of this Convention, who live in the large towns and cities, to



**Mr. Sanders of Derry—**Is it not perhaps possible there are worse than wolves living in some of our cities?

I believe every country town in the state should have a representative here. It is no more than their right, and they believe they are justly entitled to it. I fail to see what difference it makes whether 100 members compose our legislature, or 400. A dozen men, who have ability and are recognized all over the state, do practically the work of the legislature. They introduce all the measures, and do all the talking. Their ability is recognized. They are able fellows, smart and intelligent, and they have been in the legislature in previous years and know the ropes and know what to do and how to do it, and the other members of the legislature follow, and perhaps rightly, the lead of these men. For instance: Take it in this very Convention, there are a few men who have done all the work, and there are the others, perhaps 300, who have

taken no active part in these sessions. They have done no harm, and perhaps have done no good, but they have been imbibing knowledge which they will carry to their homes. It makes them better citizens, better able to advise their fellow-men, better able to give counsel to their fellow-men. They learn lessons here which they would not learn elsewhere, yes, and lessons which they will never forget. The gentleman from Manchester, Mr. Cross, has said that the legislature was not intended for a school. Very true, but it is a benefit for these gentlemen to come here and to learn what they would learn in no other way, and any expense that may be incurred over and above what is actually necessary for legislative purposes I believe to be well expended. I would have this legislature remain as it is to-day, but amend the law so there shall be no increase of the present number.

Mr. Stone of Andover—From the moment I entered this Convention up to the present time I have earnestly desired to maintain a system perhaps unequal, but better than any other system in existence—the town system. I believe in that to-day, and it is because I believe in the town system—notwithstanding the arguments of inequality which are specious ones, it seems to me—that I take the position I do now. If I believed we could maintain the town system on the basis of 600 for the first and 1,800 for the second representative, I should most earnestly advocate it.

I am speaking now to the advocates of the town system.

It is a system I believe to be absolutely right and just, and it is because I want to preserve it that I take the position which I do to-day.

I shall vote to preserve or endorse the majority report, because I believe that if we adopt the minority report the work of this Convention, in this respect, at least, will be repudiated by the people. If that were all, I would say no. But there is something else that appeals to me as bearing upon the preservation of the old New England town system. If the proposition of the minority is accepted by the Convention and re-

As has been alluded to, when arguing with the friends of the district system, we told them that we did not want the district system, that we were willing to be pro-rated, only save us our individuality, and many of you, like the gentleman from the town of Temple, asked here that you might be permitted to send a representative as a town instead of being classed as a district with two, or three, or four towns. Gentlemen, the majority report retains the town system, and while it pro-rates a larger number of towns than are at present pro-rated, it is what we said we were willing to accept in order to retain the town system.

I believe and hope that all of you who believe in the town system will vote for the majority report, and in that way we shall preserve the town system, not for a few years, but for many years, for I believe if we adopt the majority report our action will be ratified at the polls, and what we do here will be effectual in preserving the town system.

Mr. Aldrich of Littleton—I rise not to make a speech but to explain why I shall vote for 800 and 1,600.

This is a representative government. I am one of those who believe not only that every man, woman, and child should be represented every minute of the time, but that every inch of territory—country and city—should be represented every minute of the time. That can only be accomplished by the district system which I voted for. That scheme has been rejected, although in my judgment it was the most adequate scheme presented to the Convention. That scheme was rejected upon the grounds of sentiment and tradition. That scheme being rejected, the Convention was brought to the question how the house of representatives could be reduced upon the town plan.

I am one of those who never would have voted to raise the number necessary for the first representative from 600 to 800, but for the splendid discussion and the just plan submitted to the Convention by the gentleman from Concord, Mr. Mitchell. He has suggested to this Convention a plan whereby no future disfranchisement of towns need to go on,—a principle upon which every town can be represented every minute of the time. While, therefore, as I have said, I would not and could not consistently have voted under the town system to have raised the number for the first representative to 800, yet under this plan presented by the gentleman from Concord, in order that the diminution of the house of representatives shall fall on all portions of the state alike, I can consistently vote to raise the minimum from 600 to 800, because at the same time we extend to the towns which would thereby be disfranchised an opportunity to come in and class themselves with other towns and in that way be represented all the time in our legislature. Thus there is no compulsory disfranchisement. The situation of disfranchisement would be wholly a voluntary one. The towns of less than 800 inhabitants can get together and be represented all the time. If they stay out, it is because they do not want representation. For instance, the town of Pittsburg and the town of Clarks-

**under a certain number of inhabitants the opportunity to get together and send a representative to the legislature, involves a principle which leaves it entirely with the towns under 800 to be represented or not as they choose. There is nothing compulsory about it. They can send a representative down here if they choose a proportionate part of the time, or they can come in with other towns and be represented all the time. For this reason I shall vote for the majority report which declares that the basis shall be 800 for the first and 1,600 for the second representative.**

Mr. Pillsbury of Londonderry. I desire to take but one minute of your time. My position in relation to this question, as you know, is that I have been in favor of the town system. It is because I wish the perpetuation of the town system, and because I wish to have the town system kept in the organic law of this state that I shall vote for the majority re-

port. If we adopt the minority report—even if it should be carried by this Convention and be ratified by the people—the time would come when we would have so many representatives here that another convention would be called very soon and the same question would come up before that convention, and very likely the district system adopted.

I believe under this present ratio we can maintain for forty years at least this town system. On the ratio of 50 per cent. increase in the country towns and 50 per cent. increase in the cities, we can maintain our present town system for the next fifty years, and then let the next generation tackle this problem. I am in favor of the report of the majority.

Mr. Lyford of Concord—I desire, in the first place, to apologize to my friend from Wentworth, Mr. Shute, for my mistake in saying that he occupied the floor so much. It was his earnestness outside this chamber that misled me.

When the vote was taken in this Convention, rejecting the district system, I accepted that vote in perfect good faith. I desire to thank the gentlemen from the country towns for the fairness with which they have treated me in the presentation of a proposition which to them appeared unfair. I accepted the result and the vote of this Convention as a desire to preserve the town system.

Now, then, any proposition that increases the inequality over what exists now so far as inhabitants are concerned is, in my judgment, doomed to failure. If I desired a personal vindication of the position I have taken on the district system I would ask that the proposition submitted here by the minority of the committee be presented to the people, for, in my judgment, it would be defeated, and with that defeat would come an increase of the house within the next ten years which would necessitate another convention to reduce the house of representatives. Then the question will be, not of method, but how much the house can be reduced.

Gentlemen here have expressed varied opinions as to whether the resolution of the minority would be defeated or

present time. Rockingham county had eleven; Carroll county— all of its towns were classed; Merrimack county had six, and Grafton county had twenty classed towns. The other counties ran in the same proportion, and yet it was not deemed by our forefathers that any injustice was being done the towns by that method of classification.

Gentlemen have said that we can afford to lose from the large towns and the cities of the state better than they can afford to accept a reduction from the small towns. But is that so? When it comes to a question before the legislature, a question of taxation, a question of voting appropriations, and almost every other question of importance before the legislature, are not the large towns and the cities as much interested in those questions as the smaller towns, and do not the interests of these large towns and the cities demand that they should have their proportion of representation in the legislature? In the legislature it is a question of votes, and the

people of the large towns and the cities of the state will look at this question, not in the light of sentiment merely, but in the light of what is just to all the state.

If the gentlemen desire the district system presented inside of ten or fifteen years, they will do well to submit the proposition of the minority to the people, for that will be defeated at the polls. But if they desire to preserve the town system, as the vote of this Convention would seem to indicate, they should accept the proposition presented by the majority of the committee. You can then preserve the town system on that basis probably for a period of twenty or twenty-five years.

Mr. Eastman of Exeter—Like the gentlemen who have preceded me in the discussion of these questions, I rise to give my reasons why I shall support the minority report of the committee.

When we came here there were two propositions submitted, whether the district system or the town system should be the system to prevail in choosing the representatives in the future. We voted to have the town system, and the argument then was that if we had a town system and adopted a certain basis of representation it would cause the pro-rating of other towns; that we already had sixty-nine towns pro-rated, and it would pro-rate forty-three other towns. That was the reason urged against that basis of representation, as I understood. A vote of this Convention was taken, and this Convention voted to have the number necessary for the first representative 600. Now, then, it is said that this is unequal and unjust to the cities and larger towns of the state, and if presented to the people it will not be ratified.

Arguments of this kind remind me of an incident that occurred during the Civil war. A certain general declared that a certain fort could not be taken, and he succeeded in convincing the president and his cabinet that his assertion was true, but while he was demonstrating his claim another general took the fort.

The statement of these gentlemen that it is a fact that the vote as taken will be absolutely defeated by the people is, in



consideration by this Convention?

They say that we are not going to cut down the house sufficiently by the proposition made by the minority. The majority report makes the house 313, and the proposition of the minority of 600 for the first representative and 1,800 additional for the second representative, makes a house of 324 or 327. That is an enormous difference! It is not worth considering. Is it of any material difference when you talk about cutting down the house, whether it is cut down to 313 or 324?—it is a difference of between thirteen and twenty-four.

Now the gentleman from Littleton, Mr. Aldrich, a gentleman whom I respect, said that he was in favor of 600 for the first representative until he heard of the magnificent proposition made on the part of the gentleman from Concord, Mr. Mitchell. Now what is the proposition offered by the gentleman from Concord? It is simply this, that towns under a certain number may be given the right to class themselves to-

gether and to that extent it favors the district system. It allows the towns to form districts and unite together and in that way, as the gentleman from Littleton says, be represented all the time. But this proposition of the district system has been repudiated by this Convention, and yet the gentleman from Littleton says that on account of that proposition he favors the majority report, and if it had not been for that reason he would be in favor of adhering to the original proposition of 600. That is no reason at all, I submit, when you come to investigate it.

But why should we make this change at this time? Why should we force upon the small towns a basis of representation which they do not want? Is there any great clamor for a decrease of the size of the house to a considerable extent? As has been said, the people are not greatly desirous of decreasing the number in the house, and they will not do so if it involves injustice to any part of the state.

The President—Under the order adopted by the Convention the vote will be taken at this time unless some further order is made.

Mr. Lyford of Concord—I call for the yeas and nays.

The President—It is the general understanding, and by unanimous consent the vote will be taken by yeas and nays. The question is upon the motion offered by the gentleman from Peterborough, Mr. Scott, that the report of the minority be substituted for that of the majority. Those who are in favor of substituting the report of the minority will vote yes, and those who are opposed will vote no. The vote "yes" to sustain the minority report is a vote to sustain the figures of 600 and 1,800, and the vote "no" for the majority is to sustain the figures 800 and 1,600.

The following gentlemen voted in the affirmative:

ROCKINGHAM COUNTY. Conley, Sanborn of Auburn, Flanders of Brentwood, Eaton, Knowles, Kimball of Danville,

**Clough of Loudon, Messer, Todd, Wyatt, Green of Pittsfield, Webster, Lang.**

**HILLSBOROUGH COUNTY.** Hubbard, Woodbury of Bedford. Kimball of Bennington, Fessenden, Whitaker of Deering. Downes, Peavey, Bacon, Fogg, Powers of Hollis, Marsh, Tarbell, Whitaker of Mason, Gordon, Raymond, Hamblett, Harriman, Dodge of New Boston, Blanchard, Seavey, Scott, Hadley, Simons, Chapman.

**CHESHIRE COUNTY.** Amidon, Learned, Madden, Craig of Marlow, Cass, Buckminster, McClure, Rugg, Clement of Surry, Davis.

**SULLIVAN COUNTY.** Mitchell of Acworth, Fairbanks, Ide, Hanson of Goshen, Burpee, Holmes, Noves, Barton, Brown of Springfield, Bartlett, Newton, Brockway.

**GRAFTON COUNTY.** Bucklin, Carbee, Parker of Benton,

Morrill of Bridgewater, Pulsifer of Campton, Ashley, Young of Easton, Avery, Walker of Grafton, Kidder, Pike of Haverhill, Jewell of Hebron, Flanders, Glazier, Woolson, Stoddard, Melvin, Warden, French of Orange, Lamprey of Orford, Ford of Piermont, Craig of Rumney, Bowles, Park, Green of Waterville, Shute, Woodbury of Woodstock.

COOS COUNTY. Paine, Daley, Miles, Johnson, Titus, Britton, Wight of Dummer, Thurston, Kent, Phipps, Blanchard, Pike of Stark, Hinman, Aldrich of Whitefield, Dodge of Whitefield.

The following gentlemen voted in the negative:

ROCKINGHAM COUNTY. Sanders, Gillispie, Abbott of Derry, Fuller, Pillsbury, Peaslee, Emery, S. W., Emery, S. P., Howard, Norris, Paul, Ham, Cullen, Sawyer of Rye, Cole, Wheeler.

STRAFFORD COUNTY. Leighton, Morrison of Dover, Moulton, Roberts, Hanson of Dover, Nealley, Hall of Dover, Morang, Nute, Murphy, Furbush, Meader, Gelinas, Gunnison, Edgerly, Leary, Roy, Morin.

BELKNAP COUNTY. Pulsifer of Laconia, Jewett, Gorrell, Busiel, Thompson of Laconia, Lewis, Knox, Fellows.

CARROLL COUNTY. Hobson, Gibson, Sanborn of Wakefield, Clow.

MERRIMACK COUNTY. Blodgett of Allenstown, Stone of Andover, Dudley of Concord, Foote, Hollis, Lyford, Mitchell of Concord, Kimball, Walker of Concord, Lamprey of Concord, Niles, Foster, Howe, Whittier, Ingalls, Chandler, Casey, Stone of Franklin, Leach, Towne, Wilkins, Chickering, Truesdell, Miller, Thompson of Warner.

HILLSBOROUGH COUNTY. Colby, Paige of Goffstown, Smith of Hillsborough, Lambert, Wilkinson, Abbott of Manchester, Briggs, Cross, Hunt, Green of Manchester, Dodge of Manchester, Boutwell, Little, Rose, Jones, Robinson, Tremblay, Lord, Gilmore, Farrington, Harvey, Hill, McDonough,

tleton, Green of Littleton, Morse, Russell, Wentworth.

COOS COUNTY Wight of Berlin, Moffett, Laplante, Rich, Bondreau, Murray, Evans, Crawford, Perkins, McKellips, Watson, Philbrook, Ripley.

The following gentlemen were paired:

Collins of Gilsun and Buckley of Hinsdale, Taft of Keene and Osgood of Nelson.

And 177 gentlemen having voted in the affirmative, and 199 gentlemen having voted in the negative, the motion to substitute the report of the minority for that of the majority was lost.

Question, upon the adoption of the majority report of the committee. The affirmative prevailed and the report was

adopted, and the amendment proposed by a majority of the Committee on the Legislative Department and adopted by the Convention was referred to the Committee on Time and Mode of Submitting to the People the Amendments Agreed to by the Convention.

Mr. Chandler of Concord—I now call up the proposition against free passes.

The President—The chair will rule that it is not in order. The special order is that in reference to the size of the senate, which was made to follow the question of representation. Before the special order is taken up the chair submits the following resolution offered by the gentleman from Manchester, Mr. Cross:

*“Resolved, That the present session of this Convention come to a close on Friday afternoon, December 19, at 3 o’clock.”*

Mr. Chandler of Concord—It does not occur to me that there will be any difficulty in adjourning to-morrow afternoon if an evening session is held to-night, and all propositions adopted by the Convention are sent to the committee of which I have the honor to be chairman. The final resolutions of the Convention submitting to the people the amendments which have been adopted should be framed with care. If the Convention, before the report of that committee is in, decides to adjourn to-morrow afternoon, we shall do the best we can this afternoon and evening to prepare the report and submit it, but I sincerely hope the putting of that motion will be reserved until the committee can say that it will be prepared to make its report in season.

The President—The chair will suggest that it seems to be necessary that the Committee on Finance should have as early information as may be with reference to the time of closing. They are in some trouble now with reference to the financial affairs, and there may have to be a report this evening with

bers can leave town some time Friday.

Mr. Cross of Manchester—Personally I have no wish about it either way as to the time, and I withdraw the resolution.

The special order was called for, it being the report of the committee on the various resolutions relating to the size of the senate, that it is inexpedient to amend the Constitution as proposed.

The question being stated, the resolution of the committee was adopted.

Mr. Chandler of Concord moved that the Convention now resolve itself into Committee of the Whole to consider the various resolutions in relation to free passes on railroads.

In Committee of the Whole.

(Mr. Madden of Keene in the chair.)

Mr. Chandler of Concord—In order that the committee may have a proposition before it to act upon, I move that the committee do now arise and recommend to the Convention the adoption of the amendment which I had the honor to propose.

Mr. Jones of Manchester—Mr. Chairman and Gentlemen of the Committee: It seems to me it might be well for us to pause a bit before we recommend the adoption of an amendment which will write into the Constitution of the state a charge against all the legislators that we have had in the past, that they have not done their duty, and a fear of all those we are going to have in the future that they will not do theirs. I believe there has been altogether too much giving of free passes in the state of New Hampshire, and if we were in the house of representatives I would join with the gentleman from Concord, Mr. Chandler, in attempting to adopt some sort of legislation putting a prohibition upon the pass system. But I do not believe we ought to write it into the Constitution. I believe it is properly a matter of legislation. I am not retained by any railroad corporation in the state, and I do not use any pass, not even to come to this Convention, and therefore I feel I may talk on this matter with absolute freedom.

I do believe in all seriousness and all earnestness that there is no proper place in our Constitution for any measure of this kind. Action in this regard should be left to the legislature. The legislature created the corporations of the state, and it can prescribe all the restrictions necessary to put upon the railroad corporations or any other corporations that may be chartered. The legislature which creates has also the power to regulate and to destroy, if necessary. And the legislature having all that power, it does seem to me that this proposed amendment is not needed. The argument of example fails when only nine states of the Union have a constitutional



**inexpedient to recommend its adoption.**

Mr. Leach of Franklin—In order to bring this matter into such shape that we may dispose of all these resolutions, I have prepared a resolution which I desire to substitute for the resolution of the gentleman from Concord, Mr. Chandler.

The Chairman—The gentleman from Franklin, Mr. Leach, moves that the following be substituted for the resolution of the gentleman from Concord, Mr. Chandler:

*“Resolved, That the committee rise and report to the Convention, with a recommendation that the legislature consider the subject of free passes and enact such legislation, if any, as the public good requires.”*

Mr. S. W. Emery of Portsmouth—Mr. Chairman and Gentlemen of the Convention: I promise you that this is the last

time I shall trouble you during the session of this Convention.

I *do* happen to be counsel for a great many railroad corporations of this state, but I am not here as their attorney, and I do not care what position they take upon this question. Here I am not *their* man, but *my own*.

Now, gentlemen, this legislature, as we call it, of the state of New Hampshire is one of our courts. We have a supreme court, and we have a superior court, and we have a general court, and that is the legislature. There is one suitor before that court that is there at every session of the legislature, and that is the great railroad system of this state, the Boson & Maine railroad. It is before every legislature, interested in legislation for itself, and asking that such legislation be passed. How many of you, if you had a case against the Boston & Maine railroad to be tried before a jury, would try it before a jury whose pockets were filled with passes? Do you think you would get fair, equitable, and honest treatment? If you had a case to be heard before the supreme court of this state, where your dearest rights were at stake, would you feel hopeful of getting justice if every one of those judges sat there with his pass from the Boston & Maine railroad in his pocket? Is that American? Is that fair?

The Republicans had a Convention when Frank W. Rollins was nominated for governor, and they referred this matter to the legislature to act upon, and you know how much it did in that direction. The next legislature, gentlemen, not only did nothing to abate this evil, but they put into a law already existing the broadest right, the broadest privilege, to the railroads to give passes to everybody, and referred the matter to us. The next legislature, and the next legislature, will be composed of members who will have free passes in their pockets, and they will pass this matter by as the legislators in the past have already done, and the people will get no relief.

Is there any reason why there should be a distinction between the general court, between those who come here and grant franchises to those railroads and give other rights to the

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question. The people are not going to be deceived. This question was taken up in two state conventions, and both parties instructed its representatives what to do in the next legislature. There was a refusal to do that duty by a vote of 20 to 22, and it was refused on the ground that a Constitutional Convention was necessary in order to deal with this great evil. Now, Mr. Chairman, we are in a Constitutional Convention and are told it is for the legislature to deal with it. I ask for the yeas and nays on my resolution, and I am quite sure the people will not be deceived.

Mr. Leach of Franklin—The statute expressly provides that the salaries of our railroad commissioners shall be paid by the railroads and not by the state, and therefore I think my friend from Portsmouth, Mr. Emery, is a little off in his reasoning on the ground that the legislature is a court and therefore should not take passes from a party before it.

I also think my friend from Concord, Mr. Chandler, is wrong. In the first place—he tells us that he voted against the calling of a Constitutional Convention. I take it that at that time he thought there was no particular reason for changing the Constitution in this respect, or a sufficient reason for calling a Constitutional Convention to do it. He tells us again that there is great danger that if we adopt so many amendments the people will not ratify them, and refers us to the example of an earlier convention where that very thing happened. We have already adopted more amendments than that convention did, and unless there is some crying demand for further amendments, it seems to me we have gone far enough, and it is a good place to stop.

He has introduced an amendment that in future amendments of the Constitution the matter should be referred to two succeeding legislatures, and if they should find in favor of an amendment, then it should go to the people. Now if my friend's theory is correct, that the legislature is the proper body to consider what should be the constitutional amendments and frame them for ratification by the people, then that body is the proper body to leave the matter of free passes to. It seems to me it is a question of legislation. We are not here to make up a moral code, but we are here to see what amendments there should be to the Constitution, and that alone.

Here there are three or four different propositions, and it seems to me the only reasonable thing to do is to let the legislature take care of this. It is not a matter that belongs to a Constitutional Convention.

It seems to me, also, that this creates a reflection upon every member of this body who has ridden on free passes, and every member of the legislatures who has ridden on free passes for the last twenty-five or thirty years. I do not think that the members of this Convention are going to feel they are doing anything wrong, anything that ought to be prohibited by an amendment of the constitutional law, in taking these free passes. Certainly the railroad is not here asking for any favors. The only resolution I have heard in any way in favor

of a court should take a pass. That strongly influenced my mind at that time, and I have seen no reason since to change the view that I obtained by overhearing that conversation. This year, when I received my pass, I sent it back and gave my reasons why I did so. At another time when I received a pass from the road to come to the legislature, I did the same, but this year I gave an added reason, and that was, that it was probable that this Convention would have under consideration the question of free passes, and when we were considering a question of this kind I certainly did not want any pass in my pocket. I believe that it is important that we should regard our reputations as men and individuals, and the honor of the state, by the passage of some such resolution as this. We who are here, above all others, ought to be careful of our reputations.

Mr. Hadley of Temple.—I rise out of a sense of justice, or injustice. I am a member of this Convention, as you all know,

and come here on a free pass. If it were not for the free pass I would not have money enough out of this scrape to go back and forth. I was a member of the house in 1895, and I rode back and forth on a pass at that time. I was not owned by any road, and was working and voting all through the session in favor of the Manchester & Milford railroad.

I do not believe there is any need of giving the Boston & Maine railroad a slap in the face because they are considerate enough to help out the state of New Hampshire by giving the members of the legislature and of this Convention free passes.

I do wish to say that the Boston & Maine railroad has greatly benefited the grange in New Hampshire, not so much in the free pass line, as by giving us concessions to our fairs and state grange meetings, and this is a measure against all such reduction of rates, or concessions. I also want to say this, too, out of justice to this same railroad, I want to say publicly that the patrons of New Hampshire appreciate the courtesies extended to that body by means of which we have attained such prosperity as we could not have attained in any other way except by these concessions and the encouragement that we have received from them, and I wish to extend the sincere thanks of this organization to the railroad in this public manner for their many courtesies.

Mr. Niles of Concord—Mr. Chairman and Gentlemen of the Committee: I feel very strongly that the delegates, in considering this matter from a theoretical standpoint, are in danger of overlooking the broad fundamental basis of *fact* underlying the fabric of our government, without a due appreciation of which we cannot adequately pass upon the merits of this question.

There is an apparent disposition to dwell with, perhaps, undue insistence upon the theory upon which our government purports to be established, that all men are created free and equal, and that the real reposition of power and responsibility is to be found in the people of the state as a mass, rather than in any specially favored or specially burdened few. When we



**Lincoln, however, laid claim to no such superhuman guidance.** He was simply an officer employed and paid by the government, which employs and pays weather prophets.

We therefore have the right, and it is our duty, to inquire closely into existing conditions, and ascertain whether his prediction finds fulfillment in the facts as we see them.

I do not now desire to express any opinion as to those facts, but I feel it my duty to call attention to the proposition sometimes advanced—and, curiously enough, by strenuous advocates of this radical and drastic measure,—that government of the people, by the people, and for the people, *has*, in fact, to some extent, perished from the earth, so far at least as New Hampshire is concerned, and that there has been established here, by the apparent consent of the governed, a government of the people, *by the railroads, and for the railroads*.

Again note, that up in the question of fact involved, I now express no opinion, either as to whether such a government

actually exists, or whether it has received the consent of the governed.

But if it does so exist, we are confronted by the grave question whether we shall obstinately adhere to and attempt to realize the theories of Lincoln, or shall regard it as our own duty to disown the *de jure* government, existing only on paper, or in the imagination of doctrinaire enthusiasts, and yield our ungrudging allegiance to the *de facto* government, just because resting on the consent of the governed.

Only the most misguided zealot, recognizing the existence of such a *de facto* government, could fail to appreciate the revolutionary character of the measure under consideration, whose only intent is to hamper the *de facto* government in the exercise of its executive, legislative, and judicial functions.

We all understand Lincoln's theory of government, but a prophet is not without honor, save in his own country. And this is Lincoln's country. An then, Lincoln is dead.

And the wise man tells us that "A cur dog is better than a dead lion." Ought we, then, to allow the memory of the majestic roar of the now dead lion to dull our ears to the insistent barking of the living dog, to whom men say we must look for our enjoyment of the blessings of life, liberty, and the pursuit of happiness? Shall we muzzle our protector?

If the experience of the past has demonstrated that the judicious use of free passes aids it in the performance of its governmental functions, that without their aid executive, legislative, and judicial hot-boxes are inevitable, and passes surely would not be employed if they were not found serviceable; to hold otherwise would be to cast doubt upon the wisdom and judgment of those who dispense them. If this is so, of what stupendous folly would we be guilty, should we compel them to run the complicated machinery of government without grease? And this is just what Mr. Chandler's resolution contemplates.

On the other hand, how can we defend ourselves before our constituents, if we compel them to apply passes with lavish profusion, where their experienced judgment shows them

**pression is absurd, slavish, and destructive of the good and happiness of mankind."**

This article clearly declares the right and enjoins the duty of revolution "whenever the ends of government are perverted and public liberty manifestly endangered." The possible revolutionary character of this measure is, therefore, not conclusive against the propriety of its adoption.

There are some, who, believing that such a *de facto* government as I have described is in actual operation, yet hold, and frankly declare, that they regard such a state of things as desirable and conducive to the best interests of the community; that the people are incapable of governing themselves, and need the guidance of a strong and resolute hand; and that any change in the existing state of affairs would be nothing less than a public calamity. Persons holding those views, if such there are in this Convention, would of course oppose Mr. Chandler's resolution, because of its injuriously revolutionary character.

Others, while recognizing the fact that Lincoln's theory of government still prevails in this state, are of opinion that a change would be beneficial. Such persons, realizing that the principle of the equality of every man before the law is practically unrecognized *outside of America*, deem it unwise for us to hold aloof from our sister nations, and would welcome also as advance in civilization any step which would place us on a more nearly equal footing with them. Such persons, if any there are in this Convention, would oppose Mr. Chandler's resolution as a dangerous obstacle in the path of progress toward the attainment of higher ideals.

Those, on the other hand, who believe that such a government does in fact exist, and that thereby "the ends of government are perverted and public liberty manifestly endangered," will naturally feel that the circumstances are such as to demand the exercise of their constitutional right of revolution. Such persons, if any there are in this Convention, will of course vote for the adoption of Mr. Chandler's resolution.

For myself, I cannot approve of the suggestion of Mr. Rogers, that the giving of passes to all state officials should be made compulsory. Such a measure would have too close a resemblance to the statute compelling the railroads to pay the salaries of the railroad commissioners, a statute which, while in no way capable of improperly influencing the commissioners in the performance of their duties, unjustly places them in the uncomfortable position of seeming to be in some way the beneficiaries of the railroads. The state can surely afford to pay the salaries and expenses of all its officers; it cannot afford not to do so.

Believing, as I do, that Lincoln's theory of government has not, in fact, been abandoned in this state, and a new form of government established, with the consent of the governed, and that such an event would be a most deplorable perversion of the ends of government and would manifestly endanger the public liberty, I shall feel it my duty to vote for the adoption of Mr. Chandler's resolution; and others who feel as I do will take the same course. In so voting, they will not necessarily

**Mr. McAllister of Manchester**—I do not propose at this time to trespass upon your patience, for we are all anxious to finish our business and go home; but I do wish to say that I am heartily and earnestly in favor of the amendment proposed by the gentleman from Concord, Mr. Chandler. I believe it is an amendment calculated to benefit the people and promote their welfare.

Gentlemen, railroads do not give passes to the members of the legislature unless they expect something in return. They come to the legislature for favors, and it is wrong that they should be permitted to make a present to each member of the legislature equal to his railroad fare during the session. I am in favor of the adoption of the proposed amendment to the Constitution, which will make it impossible for a railroad corporation to influence the members of the legislature or of a Constitutional Convention, in its favor, by giving railroad passes to them.

Mr. Howe of Concord—I have but a single word that I care to say upon this subject. I voted this morning against the declaration against trusts and I did it because I did not think it was a constitutional subject, but a legislative subject, and Mr. Chairman and gentlemen, I am of the same opinion on this subject. I hold this is a subject for the legislature and not for a Constitutional Convention, and I hope the proposed amendment of the gentleman from Concord, Mr. Chandler, will not be adopted.

The Chairman—Gentleman, the question is, shall the resolution offered by Mr. Leach of Franklin be substituted for the resolution offered by Mr. Chandler of Concord, and on that question a division is called for.

Upon division the chair declared that 101 gentlemen voted in the affirmative and ninety-seven gentlemen voted in the negative.

Mr. Little of Manchester—I rise to a point of order. There is no quorum present.

The Chairman—The point is well taken.

In Convention.

(The President in the chair.)

Mr. Madden of Keene, chairman of the Committee of the Whole, reported that the committee had been in session, having had under consideration the various resolutions relating to free passes, and no quorum being present the committee arose.

The report was accepted.

Mr. Edgerly of Somersworth moved that the Convention adjourn.

Mr. Chandler of Concord called for a division. And 112

**establish more than one place of public meeting within the limits of any town or ward in the state for the casting, counting, declaring, and returning of votes, and the election of officers under the Constitution; to prescribe the manner of warning, holding, and conducting such meetings, and for that purpose may divide any town or ward into voting precincts."**

The report was accepted, and the resolution adopted.

On motion of Mr. Baker of Bow, the resolution offered by Mr. Clyde of Hudson in relation to representation and initiative and referendum, was indefinitely postponed.

On motion of Mr. Edgerly of Somers-worth, the resolution offered by him relating to the incompatibility of certain offices, together with the report of the committee thereon, was taken from the table.

On motion of the same gentleman, the proposed amendment was indefinitely postponed.

Mr. Chandler of Concord—As a peaceful delegate, I ask unanimous consent that the proposition relative to free passes on railroads, made by the gentleman from Franklin, Mr. Leach, be voted upon to-morrow at 12 o'clock. The proposition which the gentleman from Franklin makes is against the various propositions which have been submitted for amending the Constitution, so that free passes cannot be issued, and is the one on which I think the friends of free passes would desire to vote on a call for the yeas and nays, and anticipating that desire I will state now that when the matter comes up for final action I will call for a yea and nay vote of this Convention on that very important subject.

The President—If the gentleman from Concord should make a motion that the vote be taken at 12 o'clock, and the motion is adapted unanimously, in that way he would get the special order he desires.

Mr. Chandler of Concord—If I should make that motion I am afraid somebody would vote against it. I make the motion, however, that a vote be taken by yeas and nays tomorrow at 12 o'clock, on the motion of the gentleman from Franklin, Mr. Leach, relative to free passes.

The motion of Mr. Chandler is stated and declared adopted.

Mr. Chandler of Concord—I will not do as my friend from Somersworth did when he was afraid that some one would object to coming back here this week,—ask whether there is any such individual, and if so ask him to rise. I suppose the gentleman from Somersworth meant to say that if that particular individual would come back again another week he would pay the gentleman from his own pocket, but the gentleman from Somersworth did not make any such liberal offer.

Mr. Edgerly of Somersworth—No one stood up.



**stitution proposed by the Constitutional Convention shall be approved ' "**

Mr. President, the committee, or those members of it who were present to-day, and I think all but four were present, were divided in opinion as to when these amendments should be voted upon. Two or three members were in favor of delaying the submission until a year from next November at the presidential election, because, they said, that would be the only time when there could be secured a full vote of the people of the state. This time was naturally enough objected to because it was thought by some that it was too far off, and that the people would not only forget the Convention (perhaps it would be desirable that they should do that) but they would forget the amendments themselves, and they would have to be brought to public view and called to the attention of the people again in order to get them to take sufficient in-

terest to vote upon them at the election. So, on the whole, only three or four members of the committee could bring themselves to advise that such a time should be selected.

The majority of the committee were in favor of the second Tuesday of March next. The advantages are that the towns hold their town-meetings at that time, and although it would be necessary for the cities to hold special elections it would not be necessary for the towns to hold special elections, and those inhabitants who desired to vote upon the amendments might do so at their annual town-meeting.

The objections to submitting the amendments next March were stated in this way: that whereas a year from next November is too long a time, the second Tuesday of March gives too short a time. We are submitting, Mr. President and gentlemen, very important amendments to the people of this state—the amendment to change the method of taxation is important, and above all, perhaps, in its importance, is the requirement of the educational qualification for suffrage. The change in the basis of representation, which was adopted this afternoon by so narrow a majority, is a matter of great importance, and should be fully understood by the people, and they should vote upon it with deliberation. And certainly the women of the state should have their cause fully and amply championed before the people prior to voting thereon. So it was contended by several of the gentlemen, and it was appreciated by all, that January and February would give hardly time enough for the education of the people upon these very important matters.

Therefore the members of the committee were really in a quandary, those who were present, to know how to act under the circumstances. The majority of the committee instructed me to report this resolution, with the statement that I am now making, and a request that the Convention will decide. I, therefore, have taken a few minutes at this time to present the question, but as there are trains now leaving, and some of the delegates may be going, it may not be well to act now, but I think we can give consideration to it, as the committee

**Portsmouth, the city of Somersworth, the city of Laconia, and the city of Berlin are the four** I understand these four cities hold annual meetings in March. That would leave, as I understand it, seven cities in the state, including the large city of Manchester, which would be under the necessity of holding special elections if these amendments were submitted on the second Tuesday of March next. Personally I favor the submission of the amendments at this time, inasmuch as it favors my own city. It seems to me that it is the proper thing to do any way, in view of the fact that all the towns in the state hold their elections on the second Tuesday of March, and four cities of the state hold their elections on the same day, so that the special elections would be necessary only in seven cities of the state.

With reference to the matter of discussion, the people of the state will have a general knowledge of the subject by reason of the reports of this Convention, and will be better pre-

pared to vote upon the question in March than at any other possible time. Great interest is being manifested in the Convention which we are attending, and as a result there could be no better or more effective information than that which is going out from this Convention to the people.

It has been suggested by the gentleman from Concord that perhaps it might be well if the people should forget this Convention. I don't think so. I think it is well for the people to remember this Convention, and I think further, by remembering it they will remember what has taken place and will remember the discussions on these different amendments.

For these reasons I believe the vote on matters which are to be submitted ought to take place on the second Tuesday of March next.

Mr. Craig of Marlow—I represent one of the towns of the state, and I think the election for voting upon these amendments ought to be held on the second Tuesday of March. The towns holding their town-meetings upon that day cover a large section of the state, and if a special election should be held it should be in the cities, as it is more convenient for them to hold elections than in the country towns throughout the state.

Mr. Kent of Lancaster—I have no motion to make to-night in this connection. I understand that we hardly want to risk taking a vote here which might disclose the absence of a quorum, but rather we are talking over this matter in an informal way to get the sense of the Convention for the action of the committee.

There is much to be said, perhaps, both ways. The only times suggested are the second Tuesday in March next, which really is pretty quick after the close of the Convention, and the other time is a year from next November, which is a long way off. I would suggest this, for the purpose of calling forth suggestions from other members, whether it would not be well for the committee, in considering this part of their report, to

**people would not want more than ten minutes to express their opinions in, and to decide the matters most effectually.**

I presume that the people will remember this Convention as long as they want to, but I think they will be as well prepared to vote upon the amendments next March as they will be a year, two years, or three years from that time.

Mr. Bartlett of Sonapee—There is certainly one advantage in voting upon the amendments next March. As I understand it, the basis of the next legislature would have to be acted upon by the legislature immediately following the adoption of the amendments by the people. The legislature sitting in January would probably be in session after the second Tuesday in March, and they can establish the basis of representation for the next legislature, and thus save the state some \$18,000.

Mr. Ashley of Dorchester—I think with Mr. Fairbanks that the people of this state will have occasion to remember this Convention, at least the 111 pro-rated towns will.

In regard to the time of submitting these amendments to the people, it seems to me that the better time is the second Tuesday of next March. Within a year from that time they will have forgotten to a great extent the substance of these amendments, and the reasons and arguments for and against them. Then it will be better to have it in March at the March meeting, for at that time you will get a fuller attendance and you will get a better vote than at any other time. The people of this state are not in ignorance of what is or has been going on in this Convention. They are keeping posted, and I think they will be prepared to vote by the second Tuesday of March next.

Mr. Stockwell of Claremont—I represent in part one of the largest towns in the state, and as far as we are concerned I do not believe it would make much difference whether next March or a year from next March, or a year from next November, is set for the time for submitting these amendments. Personally, I have been in favor of the back towns—the small dogs, as you might call them—but my constituents have sent me here to vote as they wish to have me vote, and I voted for the majority report to-day, which I think perhaps may be ratified or may not be. I will say this, I was born and brought up in a very small town back in the country, and my experience is that coming to town-meeting on the second Tuesday of March is sometimes about impossible. Now if these gentlemen from the small towns that are back in the country want to carry their point, and they are prepared, as I have heard represented this afternoon, to vote down this amendment with respect to representation which we passed here, they had better put off till a year from next November when the going will be good and you will get out a fuller vote than at any other time.

I think myself, as a rule, that next March will be too soon.

**we cannot adopt them too quickly, and if they are wrong the sooner we are set right the better for all concerned.** I believe next March gives ample time to consider them, and at that time we shall have it nearer to our hearts and firmer fixed in our memory, and shall be more earnest in giving what instruction we can to our fellow-citizens. I think the second Tuesday of next March is the proper and fitting time.

Mr. Edgerly of Somersworth. As a member of the Committee on Time and Mode of Submitting to the People the Amendments Agreed to by the Convention, I desire to call attention to some suggestions that have been made in regard to the proper time of submitting our amendments to the people.

It has been stated that in many of the larger towns it requires all day to transact the ordinary business of the town,

and that such towns would not have time to consider these amendments at their annual town-meeting.

It has also been said that in a great many towns only a small proportion of the voters are in the habit of attending the town-meetings in March.

There are but few of our cities that hold their annual meetings on the second Tuesday of March. These are some of the reasons advanced why the amendments should not be voted upon at our next annual town-meetings.

It is entirely immaterial to me or to the city from which I come when these amendments are submitted because we hold our city election on the second Tuesday of March, and the area of our city is quite small, and it is not very difficult for our voters to come out and vote at any time; but I can readily see that it may make some difference to many other cities and towns in regard to the time of taking the sense of the voters.

Some think March would be too early because it would not give sufficient time to canvass the state and conduct an educational campaign to enable the people to vote understandingly upon all these amendments.

If in the opinion of the larger part of the members present there is sufficient time between now and the second Tuesday of March to properly consider these amendments so as to obtain a fair and intelligent expression upon them I should certainly be in favor of submitting them to the people at that time.

The members of the committee are anxious to obtain an expression of the members present so as to enable them to fix upon the time that will be the fairest and most satisfactory to all sections of the state.

Mr. Wilkins of Henniker—It seems to me that the best time for the submission of these questions is when these amendments are in the minds of the people. We have our daily papers, which under the system of free rural delivery are delivered to every farmer of the state, and these farmers are reading the papers, and these matters are fresh in their minds and will be on the second Tuesday of March next.



**towns in regard to taking the vote at the fall elections, but I presume about the same system prevails everywhere, that there is but a small portion of the time during the day of election when but a small part of the people congregate in the place where the vote is being taken. In the March meeting there comes up the question of the selection of a road agent, and it is the time when you raise your money; it is the time when all the questions relating to municipalities come before the people, and the people are there, and they are staying to hear discussions in regard to all the questions which come before them. It seems to me this is the time when this vote should be taken and that a fuller vote can be had at that time than at any other.**

Whether it is too soon or not I do not know, but I am not of the opinion that it is. Perhaps all the gentlemen present do not feel as I do about this matter. I have this matter upon my mind, and want to get it off. We have had a free, frank,

open, and good fight, but the question is not settled until it is fairly before the people and they have thrown their votes upon whether the proposition passed by the majority report here will receive the two-thirds majority which it requires.

One reason why I want this off my mind is simply in consequence of remarks that gentlemen like to make, as they always do when a person is defeated. One gentleman said, "How do you feel since you rode in from the valley of the shadow?" My reply was, "I don't feel that I have ridden in from the valley of the shadow." I could hardly think what he meant, but I suppose it was that number 600 that was in his mind—the 600 for the first representative. Of course it carried my mind back to the 600 of Balaklava, although I could not see any analogy between the two, unless it was that there was a large army of ex-senators in front of us; ex-judges and lawyers at the right of us, and naval officers and lawyers at the left, and gentlemen who had not the courage of their convictions at the rear of us; but they did n't alarm me, neither do I feel alarmed or chagrined about this matter. We have fought a good fight, and although we have not won we have frightened you and are in as good a trim as you are, and want it off our minds, and no better time can be suggested, to my mind, than the next March meeting, and, gentlemen, we will meet you there.

Mr. Cole of Salem—The gentleman from Peterborough, Mr. Scott, has very nearly expressed my position. We came here with the expectation of cutting down the house of representatives, and I think it was the desire of my town, and I think it is the duty of us all to go home—I think it is my duty, and I shall go home and talk with the people and try to get them to ratify what we have done to-day, and I think three months is amply long enough for that purpose.

I was one of those that started out with the idea of 800 for the first representative, and although with most of the small towns we lose half of our representation by this measure, we are willing to do so for the sake of reducing the house. I

**Whereas, upon the other hand, if they understand that action is postponed until a year from next March, or a year from next November, this Convention will be forgotten, and its work will be substantially forgotten by many, and then, I admit, a campaign of education may be necessary to bring these ideas back into the minds of the people. Now if we submit them at the election in March next, I do not believe it would be necessary. Consequently, I believe that this Convention should adopt as the time for the people to act upon these amendments the second Tuesday of next March.**

Mr. Clark of Windham—This appears to be a sort of experience meeting, and perhaps it would be well that I should state my experience. After going home last Friday night, and being among my constituents during the intermission of the Convention, I am convinced that they will be as well prepared the second Tuesday of March next as they could be at

any time in the future. I found that they were well posted, and I think I am safe in saying that they were better posted than some of the delegates of this Convention, judging from the empty seats that have continued empty throughout the session.

Reference has been made in regard to the 600. My town is one of the towns between six and eight hundred—one of the forty-two towns that will be pro-rated under the amendment proposed. Now I will speak for them in this way. I think they were unanimous in their idea of cutting down the membership of the house, and they were willing to turn in their mite toward cutting it down. I voted to-day with the minority, but now that we have, as a Convention, accepted the 800 and the 1,600 to recommend to the people, I will venture to state that I believe that my town will not go back on the doings of the Convention.

Mr. Pollard of Newfields—I am a delegate from one of the small towns, between 600 and 800, and I voted this morning on the basis of 600 and 1,800. But I accept for one the action of the Convention. If that act had been different, I should have expected that the delegates of the cities would have gone home to their constituents and would have asked them to ratify the amendments which had been offered to them by this Convention. As it is, I shall feel it my duty to go home and advise the voters of my town to ratify what has been done by this Convention. It looks to me, as has been stated here, that the matter is fresh in the minds of the people of the state, and that they will be ready to vote upon it on the second Tuesday of next March.

Mr. Bucklin of Alexandria—I am another delegate from one of the back towns, and I presume the back towns have the floor this evening. I think when I go home to my constituents they will ask me why we put off this vote until a year from next November, or even a year from next March.

I may be dull, but unless I hear some other reason than has

Mr. Powers of Holliston—As the small towns seem to have the floor this evening, I will say a word. I come from a small town, a town having about 900 inhabitants, and I voted with the minority. I can guarantee, I think, that our town will acquiesce in the decisions of the Convention to-day. I believe we should strike while the iron is hot, as has been said, and while the amendments that have been made are fresh in our minds. I think a year from next March, or a year from next November, are too far distant. I can see only one objection to having it on the second Tuesday of March next, and perhaps that is no objection—that is, it might not give time for the women to make their campaign and present their cause on the woman's suffrage question.

Mr. Cogswell of Gilmanton—I cannot say that I represent a little town. I represent the mother of nearly half of the

towns in Belknap county, the town of Gilmanton. Gilmanton was twenty-five miles long and fifteen miles wide, and from it was taken Gilford, Belmont, and parts of other towns, and it is not a small town now. So I cannot sympathize fully with the gentlemen from the small towns like the gentleman from Alton.

There has been only three propositions presented by the committee this evening, and one of the three propositions, as I understand it, is that these amendments shall be submitted to the people at the election in March, coming on the second Tuesday of March. The other proposition that has been recommended by some one is, that we submit the amendments some time along in the fall, September or October, or some pleasant Saturday afternoon, and have special elections all over the state to vote upon these questions, and the last proposition was to postpone everything twenty-three months from now, that is, until November, 1904.

I don't know how it is with you, gentlemen, but I forget many things in that length of time, and I also hope I learn a good many things. If you let this matter remain so long, the people of New Hampshire will forget, their interest will die out. As Colonel Scott said, we want to be in this fight and out of it as quickly as possible. If it is necessary to have a campaign of education to teach the men to vote on woman's suffrage we have now four months in which that campaign can be made.

I submit in all seriousness that the proper time to submit these amendments is the time when the greater part of the people in New Hampshire will be at the polls. There is no better time than at our town-meetings, where we meet together to raise money, to elect road agents, to fight over selectmen, and to get into a general scramble all round. There is plenty of time to vote upon those matters at those meetings, and I hope it will be the sober sense of this Convention that when we vote on the amendments it will be on the second Tuesday of next March.

Mr. Cross of Manchester offered the following resolution:

**Mr. Chandler of Concord**—Is it expected that the resolution about pensions is to be taken up and acted upon? The Committee on Time and Mode of Submitting to the People the Amendments Agreed to by the Convention hope to be ready with their report early tomorrow, and we desire to have all matters before us as early as possible, and if they are submitted promptly we shall have no difficulty in getting our report ready. It is very important that the text of the amendments should be read with care, and that any errors that have been overlooked should be corrected. I think it is the purpose of the committee to hand to the secretary with their report the exact text of all the amendments which have been adopted.

I feel, Mr. President, that the Committee on Time and Mode of Submitting to the People the Amendments Agreed to by the Convention have done wisely in bringing in the

question that we have been discussing—the question as to the time of submitting the amendments. It is very evident that the time will be the second Tuesday of next March. I am very glad because it is disclosed that there is an excellent sentiment in the Convention. There is friendship and love of our state manifest here to-night, for rousing which I believe the committee ought to receive the thanks of the Convention.

The President—The chair will inquire if the chairman of the Committee on Finance will be able to make a report?

Mr. Clement of Manchester—Mr. President and Gentlemen of the Convention: The Committee on Finance has had several meetings, and we know approximately at the present time about what the amount of the bills are. By to-morrow morning at 9 o'clock we will know exactly, and then we will be able to submit to you a definite report.

At the present time we can submit the following: We have determined to recommend to the Convention that the secretary be instructed to make up a pay-roll for the members for the full eighteen days since the session was called. The actual number of days that the Convention has been in session is fourteen, but the whole number of days since we convened is eighteen. We have 413 members at a salary of \$3 per day, and that, including the salary of the officers of the Convention, would make an expense, so far as salary is concerned, of \$1,300 each day, a total of \$22,000. In addition to that, we have some other running expenses, the amount of which is some \$2,500 to \$2,700, making the expense thus far about \$24,700, or \$24,800. That leaves unprovided for, the mileage of the officers and members, which is estimated at \$4,900 or \$5,000, and the printing and compiling of the journal, which has been estimated somewhere between \$2,000 and \$3,000.

We shall recommend to-morrow that the salaries of the officers and members be paid in full, with the running expenses incurred since we met here, and leave to some future legis-



lative Department, to whom was referred the amendment of Mr. Colby of Hanover relative to the privileges of electors, reported the same with the following resolution.

*Resolved*, That owing to the lateness of the session of the Convention it is inexpedient to attempt to amend the Constitution in this respect."

The report was accepted.

Mr. Colby of Hanover. If the Convention had not resolved to adjourn *sine die* to-morrow I now should deem it my duty to urge the adoption of a moral test for the suffrage, evidenced by habitual obedience to the positive law of the state. We already have agreed to recommend to the people the adoption of an educational test for the suffrage and in my judgment the welfare of the commonwealth also demands the

establishment of a moral test which shall exclude criminals from the privilege of voting. Every state in the Union, if I mistake not, except three, now disfranchises for certain specified crimes, and one of these three is New Hampshire.

Unfortunately my resolution on this subject was not originally referred to the same committee to which was referred that relating to the educational test, and thus its consideration by the Committee on Legislative Department was so delayed that no report upon it was possible until this late hour. It is clear that any proposal affecting so vital a matter as the suffrage if now taken up might lead to prolonged discussion. Under these circumstances, despite my judgment regarding the importance of such a moral test for the suffrage, I acquiesce in the practical wisdom of the report of your committee.

Mr. Lyford of Concord—I should say, in behalf of the committee, that the committee as a whole was very much impressed with the idea presented by the gentleman from Hanover in his resolution. It was unfortunate that that measure did not reach us until a very late day. We considered it very fully, and we had frequent conferences with the gentleman from Hanover, and thought at one time to-day we had reached an agreement in regard to it so as to present it here and be able to justify our action in reporting it favorably. A little later it appeared there was some difference of sentiment in the committee. We again considered it this afternoon, and found we could not present a unanimous report, and owing to the lateness of the time we considered the best we could do without precipitating a discussion upon this Convention which would be fruitless and probably result in nothing, to present it without prejudice to the Convention, giving as the only reason why the majority of us did not recommend its adoption, the lateness of the hour.

Upon a *viva voce* vote the resolution of the committee was adopted.

The report was accepted.

Question, upon the adoption of the resolution of the committee.

Mr. Dudley of Concord moved that the proposed amendment be indefinitely postponed.

Mr. Clyde of Hudson—One hundred and twenty-six years ago our fathers brought forth upon this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal and that all just power of government is derived from the consent of the governed. Their ideal conception of liberty was almost miraculous.

After they had secured their freedom they set themselves to work out those great principles into the details of govern-

ment. The primary factors that were to make up the great whole of their fabric of government were the little "town republics," we have been talking about before this Convention, which in themselves, God bless them, were pure democracies.

In these little republics all matters were decided by direct legislation. In these little republics was the fullest carrying out of the principle that all just power is derived from the consent of the governed.

In those days the means of communication between communities were difficult and when the states were founded of these little republics it became necessary for each to clothe with power an agent to represent it and act for it in the conference of the whole.

I said the other day that the fathers made a mistake in thus clothing their representatives with too great power. As the honorable member from Kensington said, "I withdraw my remarks," and will say that for their time, perhaps, they did not; in the times of the fathers there was a high standard of individual integrity, political intrigue had not then become a science, the monsters, the trusts, were not seeking to crush out all individual effort, and corporate power, with its vast wealth, was unknown. That these evils are in the land to-day is admitted by all parties.

Even the fathers put checks into their state and national constitution. The senate was to be a check on the house, and the veto power of the executive was to be a check over both. Experience has taught us that it is necessary to reserve in our organic law another veto power—the direct veto power of the people themselves—over careless and corrupt legislation that may be enacted by their agents.

This has been commonly termed the referendum, and this combination with the initiative, of which I shall presently speak, together with the power to dismiss unfaithful officers by ballot will do for our people of the present time more than the Magna Charta did for the people of England. It will give us real self-government in state matters and a reasonable control of our agents in office.

**organic law of Oregon last June by a vote of 62,024 to 5,677, or about 11 to 1.**

In Iowa, Illinois, Missouri, California, and Massachusetts the legislatures, empowered by their Constitutions, have enacted laws granting to municipalities a large use of the optional referendum and initiative in the management of their local affairs. It is the simplest and most direct and certain method of controlling corrupting influence in our body politic that can be devised.

The measure speaks for itself. If a bad law is passed five per cent of the voters can, upon petition, demand the reference of the same to the people. So for any measure that is in the interest of the people, that has, through the influence of the corrupt lobby, been defeated in either branch of their legislative government, upon petition, five per cent of the legal voters of the state may bring the same directly to the court of last resort for its decision.

Some have commonly supposed that the direct legislation meant the enacting of all laws in that way, but you will notice by the reading of my resolution that it does not relate to matters of immediate exigency and that the duty of proposing and enacting laws is still with the legislative branch of the government. It is merely the reserving to the people the power to directly remedy sins of omission as well as veto sins of commission.

In the little republic of Switzerland, where these laws have been with the people, they have only been invoked twenty-six times in twenty-four years. The system has been in operation in South Dakota since 1899, and the Republican governor of that state, Governor Heriod, says:

"Since the referendum has been a part of our Constitution we have had no charter-mongers or railway speculators, no wild-cat schemes submitted to our legislature. Formerly our time was occupied by speculative schemes of one kind or another, but since the referendum has been a part of the Constitution these people do not press their schemes on the legislature, and hence there is no necessity for having recourse to the referendum."

In Oregon, the Republican governor, Governor Geer, advised the people of the state to adopt the system. He said:

"If the referendum amendment is adopted by the people, and made use of after adoption, it will be helpful all around as a restraining influence over careless legislatures. Even if not often brought into requisition, the fact that it is a part of the state constitution, ready to be used as a check against ill-advised legislation at any time will justify its adoption. It may not be needed now any more than it was one hundred years ago, but there have often been times in the past when even 'our fathers' could have been wisely checked by this wholesome reservation of the rights of the people."

Now, gentlemen, let me refer briefly to a few points in favor of direct legislation.

Under direct legislation the best men chosen would be to

**that unless they understood what measures stand for they could not act for their interest. Therefore men would study.**

Under direct legislation the people would undoubtedly make mistakes, but they would hold in their own hands the power of correcting the mistakes as soon as they found out that they had made the mistake.

Under direct legislation the question of license or prohibition would be decided by the people themselves, and the officials would be sure that the public was with them when they made an honest attempt to enforce the law, whatever it might be.

Under direct legislation the people would control legislation, which is the best and only real public ownership of anything.

Under direct legislation the people would change their minds on any question with full power to change the law so as to conform to the changed minds.

Under direct legislation if the people had been deceived as to the merit of any of their acts they would be in a position to enact the correct measure as soon as they became aware of the deception.

Under direct legislation the representatives would be diligent to learn what the will of their constituents was so as to be real representatives as well as in name.

Under direct legislation officials could pray "lead us not into temptation," and their prayer would be answered, for they would be shorn of their power for evil.

Under direct legislation no franchise would be given away to any corporation contrary to the wish of the people to whom the franchise belongs.

As I referred in my remarks last Friday I believe the people's veto, of which I have been speaking, might be of great value in New Hampshire in the next few years to correct any evils that might arise from the inequality of representation, which has been clearly demonstrated here as impossible to overcome.

If I understood the position of our city friends in this great controversy we have had here in regard to the subject of representation, it has not been adequacy of representation they have objected to under any of the resolutions offered, but for the power of vote that they might be protected in all their interests. While on the other hand their country friends have been contending for the adequacy of representation and for the good of the state and the welfare of legislation I believe it should be.

Now, gentlemen of the country districts, I believe if you are to demand adequacy of representation you should give to the cities the possibility of escape and the right of appeal to the people from any injustice that may be wrought by any careless legislature of the future composed of a majority of country members. This I contend my amendment provides. And it provides further the means for giving to cities the largest possible self-government.

I believe in this state, as well as in many others, mistakes



**“New occasions teach new duties,  
Time makes ancient good- uncouth  
He must upward still and onward  
Who would keep abreast of truth ”**

I declare that in principle this is no innovation, but a bringing out into a larger fulness to suit the conditions of the age the pure democracy of the fathers. A rededication of the old principles that there may be a new birth of freedom, and that a government of the people, by the people, and for the people may not perish from the earth by reason of the power and corruption of wealth.

You may say the people will not exercise these powers reserved, and if they do use them will not do so rightfully. July 27, 1861, Andrew Johnson, then a senator from Tennessee, was speaking in the United States senate to the proposition, “The Government Must Be Maintained.” He said:

"We have confidence in the people, and we have confidence in the integrity and capacity of the people to govern themselves. We have lived entertaining these opinions, we intend to die entertaining them."

I want to ask you whether Mr. Johnson's prophecy came true. Whether Lincoln could put confidence in the people when Thomas for five terrible hours held the road to Chattanooga and served the army of the Cumberland. I want to ask you whether he could put confidence in the people when Lee marched down the valley of the Shenandoah, crossed the Potomac and met the people in blue at Gettysburg.

I want to ask you if it was not a fulfilment of Mr. Johnson's prophecy when Lee gave his sword to Grant and the people in blue laid down their arms and quietly came back to their northern homes and then stood by during the trying period of the reconstruction of the Union.

They have been standing by everything good and true for the most part ever since and they will ever stand by that which is good and true and right.

I am not in sympathy with some of the things that have been said in this Convention in regard to ratification by the people should a number of propositions be submitted by this body. I think it an unjust reflection on the intelligence of the New Hampshire people.

I believe the people of this state desire that our Constitution be made a living, working instrument for them and their children. I believe if the fathers could speak out of their graves they would say, "Make it such," they would respect us for the love and reverence we hold for institutions of their days. They would say, "Apply the principles we used in new forms if necessary to meet your conditions that you may enjoy and secure the blessing God has given you through the inventive genius of men and do not be thwarted in your purposes by the power of corporate wealth."

Gentlemen, this movement for the power of direct legislation by the people has been for the most part a non-partisan one. Republicans have supported it and carried it forward in

**from the Committee of the Whole, to which the resolution and report had been referred for consideration.**

The question being stated, "Shall the recommendation of the committee that the resolution as reported in a new draft, be adopted?"

Mr. Fuller of New York. I am aware that this session is about at its end, and by merely debating it is possible to kill any measure, however meritorious, unless it commended itself so strongly to this Convention that the effort to kill proves abortive. I shall endeavor not to waste any time in this matter, but it seems to be due the Convention that I should state the reasons for this resolution, which was introduced by me.

This is a measure introduced by me, though not in its present form. It was not introduced by me on my own notion, but on request of a large number of the lawyers of

the state and of the members of the New Hampshire Bar association, of which I have the honor to be appointed one of a committee.

The resolution seeks to remedy an evil which is felt, not in one county of the state, but in several, under the present method of choosing solicitors. Solicitors, as you are all aware, since 1877 have been chosen by the people—elected, that is, in the several counties, and it is the evil that has resulted from those methods of choosing solicitors that this proposed amendment was intended to remedy. The idea of introducing it was not that the people are not to be trusted by any manner of means. I believe that they are eminently fit to be trusted. But this office is one that cannot be, and is not, filled by intelligent action upon the part of the people.

The office of solicitor, while in reality one of the most important in the state, is usually by the rank and file of the voters regarded as very unimportant, and as more of a political office than anything else. This results largely on account of the insignificant salary which is attached to the office, and also because a solicitor is seldom brought before the people unless in the case of a murder trial where the attorney-general takes charge, and where he receives the blame for any blunders, and the credit for any good; although it is well known that it is the solicitor that generally does most of the work in those cases. This, however, is an important office, and it is so because the solicitor has charge in general of the administration and prosecution of all the criminal cases throughout his county, and because he has immense power to work evil by simply not doing or overdoing in these cases, and also because the solicitor controls the pay-roll and has power to summon witnesses at large expense to the county, and has the power to subject the county to the expense of lengthy investigations of criminal matters.

Now how is the solicitor chosen by us, the people? Have you ever attended a county convention in which a solicitor was nominated? If so, you have some knowledge of the way it is done. For instance, in one convention there was one

held. This is not the case in Hillsborough, where it is an important office and where quite a heavy salary is attached. A solicitor in one of the counties of this state is at the present time under an indictment in the Dominion of Canada, as I am informed, for blackmail and conspiracy, of which I hope he is wholly innocent, but nevertheless under indictment. A solicitor in one of the counties—possibly a different county—came very near to getting into trouble with a grand jury, and did get into trouble with the court, from which trouble, however, he came out all right. He is no longer solicitor and will not be again.

I say if we have the solicitors appointed by that part of the people that knows their qualifications and their abilities, their faithful attention to business, and their integrity, we should not have so frequent scandals, and we should not find a solicitor putting a county to the expense of taking three days in the investigation of an immaterial matter. We should not

have the scandals which we have to-day. I am sorry to talk these things here, but it is necessary.

As I understand, that portion of "us, the people," who best understand the reputation and character of the lawyers as made up of the judges before whom they practice. The judges of our superior court have no temptation to appoint incompetent men. They have no temptation, or if they have they will resist the temptation to appoint a corrupt man to the office of solicitor. If they are appointed by the court I think it will undoubtedly tend to the advancement in character of the men that are appointed.

Up to 1877 solicitors were appointed by the governor and council, and up to that time we had in my county such men as Hon. J. S. H. Frink, not then as eminent as now but the same man; Albert R. Hatch, now dead, and Charles H. Bell, later United States senator and governor of this state, and other eminent lawyers of the state.

We had good men under the appointive system up to 1877, and I think it would be better to have that same system now than to have the solicitors elected by the people, but in order to avoid any danger of making this a political office we desire that they shall be appointed by the courts and not by the governor and council. We do not want them appointed by the governor and council, in the first place, because we are all aware that appointments by the governor and council are to some extent personal, and to some extent political—not to a great extent, perhaps, but still those influences have some weight. Neither can the governor and council investigate or know the character of the candidates as well as the court.

This plan was referred to the Committee on the Judicial Department, and the report which they have made embodies a resolution that the solicitors shall be appointed by the court and commissioned by the governor and council. It seems to me that will commend itself not merely to the lawyers, but to all of this body.

I will not take further time to debate this question. I had trusted that the gentleman from Franklin, Judge Blodgett,

far as my experience has gone, want to agree with the gentleman from Exeter, Mr. Fuller, that the appointment should be made by the court. I would agree with the general proposition that the office could better be filled and we would get better satisfaction if it could be taken out from politics and made an appointive office. I think, however, that the office should be filled by appointment by the governor and council, and I would give that method my approval. I would most certainly agree to that, and I think the legal profession stand with me, and the solicitors of the different counties, I think, would be very glad, almost to a man, to agree to that proposition. While, of course, it is not for the legal profession to dictate to this Convention what the method shall be for filling this office, yet by their profession the lawyers of this Convention are likely to have a more definite idea and perhaps better judgment of how this should be than the ordinary person would have.

I move that the resolution reported by the Committee on

the Judiciary Department be amended so that the appointment be made by the governor and council, and I certainly hope the Convention may see fit to adopt that amendment.

Mr. Fuller of Exeter—I second the motion.

Mr. Stone of Andover—I have sincerely hoped that I could keep quiet to-day, but on such an amendment as that I must express my views.

I had intended to vote for the bill presented by the committee, but this changes it entirely. If the solicitors are to be capable men and the reason that they are not is because the people cannot judge rightly of the character of men necessary to fill that office, and if the office is to be filled by people who are capable of judging them, of all persons it is for the court to appoint solicitors, and not the governor and council.

Whatever may be done with this resolution, whether it is passed as reported by the committee or not, I sincerely trust that the office will not be taken from the people and committed to the governor and council. If we are to correct the present method, let us make the correction in a way that will entirely remove the office from politics and from other influences, and place it in the hands of the court.

Mr. Jones of Manchester—Mr. President. Just one word. The Convention will bear in mind that up to 1876 the county solicitors of the state were appointed by the governor and council, and that the Convention of that year took the power of appointment away from the governor and council and provided for an election by the people. That amendment was submitted to the people of the state and the people ratified it. Are we going back to a condition of things that existed before the people had a chance to express their opinion on the change, and for any reason that has been offered here?

I, myself, believe that it would be an ideal thing if the county solicitors, who are really the agents of the court in a good many respects, were appointed by the court; but unless



**Laconia, which is an amendment I do not think he has had in mind more than five or ten minutes, will not prevail.**

Mr. Chandler of Concord—I am not afraid of going backward if I have gone forward on the wrong road.

I am opposed to the election of solicitors by the people, and I am in favor of having them appointed by the governor and council. I am not in favor of having them appointed by the superior court, which court should not be made a part of the political machinery of the state.

The recommendation of the majority of the committee, with due respect to the committee, I think is unsound. It says that the court shall nominate the solicitors, and the governor and council shall commission them. How much power of appointment does that give the governor and council? I wish the committee had brought itself to advise a recommendation that both the county commissioners and the solicitors

should be appointed. The reasons why it is not wise to have them elected by the people are very evident and need not be stated here.

Mr. Scott of Peterborough—I happen to be a resident of one of the most populous counties in the state—the county of Hillsborough. Under the system which now prevails we have elected three different solicitors. The first solicitor was the Hon. Robert M. Wallace, who is now one of the superior court judges of this state. The second was James P. Tuttle of Manchester, who served in that capacity ten years with ability and honor to the county and to the position, and to the satisfaction of every citizen, I believe, in the county of Hillsborough. Last year we elected another gentleman, and there is no doubt but what if he is a successful man he will continue in that office by the will of the people for another ten years. Now, gentlemen, we have had excellent success in our county under this present system of election by the people, and if two years from now we find that we have made a mistake, we can rectify it at the polls. I hope, therefore, and I move that this resolution and the accompanying resolutions be all laid upon the table.

The motion of Mr. Scott of Peterborough was stated by the chair and on a *viva voce* vote prevailed.

On motion of Mr. Ledoux of Nashua, the resolution offered by him in relation to initiative and referendum was indefinitely postponed.

Mr. Kent of Lancaster offered the following resolution:

“*Resolved*, That when this Convention finally adjourn to-day it adjourn to meet at the call of the President, or, in case of his death, at the call of the governor of the state.”

The resolution was adopted.

Mr. Clement of Manchester, from the Committee on Finance, submitted the following report:

<b>H. J. Pelren, page.....</b>	<b>36.00</b>
George H. Stone, page.....	36.00
Burton W. Lockhart, chaplain.....	25.00
C. L. Roberts, page.....	4.00
L. A. Gardner, page.....	4.00
E. M. Nason, janitor.....	30.00
H. L. Ingalls, assistant janitor.....	20.00
J. W. Lowry, assistant janitor.....	20.00
S. S. Ford, assistant janitor.....	20.00
F. E. Shurtleff, stenographer.....	130.00
James E. Dodge, temporary secretary.....	10.00
	<hr/>
	<b>\$1,067.00</b>

That the following bills for printing and other purposes be allowed

Fred Leighton, <i>Concord Patriot</i> .....	\$50.00
J. Ed. Coffin, <i>Manchester Union</i> .....	50.00
H. C. Pearson, <i>Concord Monitor</i> .....	50.00
G. W. Fowler, <i>Manchester Union</i> .....	50.00
James M. Cooper, <i>Manchester News</i> .....	50.00
I. E. Keeler, <i>Boston Globe</i> .....	50.00
A. H. Robinson, <i>Boston Herald</i> .....	50.00
E. A. McQuade, <i>Manchester Mirror</i> .....	50.00
Susan R. Morrison, telegraph operator.....	25.00
	<hr/>
	\$425.00

That the following bills for printing and other purposes be allowed:

S. A. Carter, printing.....	\$97.73
I. C. Evans company.....	16.00
I. C. Evans company.....	369.05
J. Phaneuf & Son.....	21.00
Arthur E. Clarke.....	3.35
Rumford Printing company.....	63.42
<i>Manchester Union</i> .....	127.50
<i>Concord Monitor</i> .....	144.50
Rev. Mr. Reed.....	3.00
Rev. Mr. Buckshorn.....	3.00
F. P. Mace, for blanks.....	.50
A. H. Britton & Co., supplies.....	12.65
E. C. Eastman & Co.....	30.11
Patriot Job Printing company, cards.....	1.75
John H. Dickson, Jr., messenger.....	5.00
Nelson W. Page, contesting seat.....	20.00
	<hr/>
	\$918.56

And the total amount of bills as approved by the Finance Committee is \$24,712.56.

<b>Charles W. Torr.....</b>	<b>122</b>
Martin L. Piper.....	60
George W. Johnson . . . . .	2
George H. Bingham.....	72
Walter H. Harriman . . . . .	76
Harry B. Jackson....	232
Harry J. Pelren.. . . .	2
George C. Stone.....	126
Rev. Burton W. Lockhart . . . . .	40
Charles L. Roberts.....	2
Fred A. Gardner . . . . .	36

The report was accepted and the recommendations adopted.

Mr. Buxton of Boscawen, for the committee to whom was referred the matter of the publication of the proceedings of the Convention, reported the following resolution:

*“Resolved,* That the official reporter be directed to make a copy of the debates verbatim, not including addresses in Committee of the Whole by persons not members of the Convention, and that he be paid in full for his services in copying said debates the usual compensation of twenty cents for each hundred words, and that his account be audited by the governor, who shall draw his warrant for the same.

*“Resolved,* That the secretary of the Convention be instructed to supervise the printing of the journal of the Convention, and to prepare and cause to be printed therewith a proper and extended index, under suitable headings, for ready reference to names, towns, and subjects; and that his bill for compensation therefor, when audited and approved by the governor and council, be allowed and paid.

*“Resolved,* That the secretary be instructed to procure as soon as possible after the close of the Convention 2,200 printed copies, in pamphlet form, of said journal, to be distributed as follows under the direction of the secretary of state: One copy to each member and officer of the Convention, one copy to each town, to be kept in the office of the town clerk; one copy to each secretary of other states and territories, to be placed in their respective state or territorial libraries; one copy to each public institution of learning in our state; one copy to each public or circulating library in our state; five copies to Dartmouth college; five copies to the New Hampshire College of Agriculture and Mechanic Arts; five copies to the New Hampshire Historical society; ten copies to the New Hampshire state library; 500 copies to be reserved for the use of members of future conventions; and the remainder to be disposed of at the discretion of the secretary of state.

*“Resolved,* That in the event of the appropriation made for this Convention be exhausted before the publication of the journal as above provided, that the incoming legislature be requested to make such further appropriation as may be necessary to carry into effect the object of these resolutions, and

**Mr. Chandler so that the time for submitting to the people the amendments agreed to by the Convention be at the November election, 1904.**

The motion to amend was lost.

The question being upon the adoption of the resolution of Mr. Chandler, the same was adopted.

Mr. Mitchell of Concord offered the following resolution

*Resolved*, That the sincere thanks of the Convention are hereby tendered to Professor James F. Colby, for his painstaking, exhaustive, and scholarly labors in the preparation of the excellent manual of the Convention, which has been so useful and is so highly appreciated by the members of the Convention. Through the use of this serviceable book, the members of the Convention have been able to more intelli-

gently, expeditiously, and thoroughly consider the various propositions presented for action."

The resolution was unanimously adopted by a rising vote.

(Mr. Little of Manchester in the chair.)

Mr. Cross of Manchester offered the following resolution:

*"Resolved*, That the thanks of this Convention be presented to the Hon. Frank S. Streeter for the ability and impartiality with which he has presided over its deliberations."

And said:

Mr. Chairman: It is a pleasure to me to present this resolution for your adoption. I congratulate you, gentlemen, first that you have met here and from day to day have deliberated and have considered so fairly, have considered so impartially, with zeal each for his own section and each for his own ideas. Most of the amendments to the Constitution that have been presented have been voted down. Some of us have been disappointed, but most of us are satisfied with the amendments agreed to.

I knew something of the Convention of 1850. I saw it and the men who sat in it, and I saw the Convention of 1876. I was a member of the Convention of 1889, and in ability, in caution, and carefulness of detail this Convention is not inferior to either of the others, but in my judgment surpasses either of them.

And allow me to say to my country friends—I was born a countryman, I lived a countryman for some years, and I love my country home. "Dear is that school-boy spot I shall ne'er forget, though there I am forgot." But I am now in a city. I think I am true in my allegiance to my early home, but I am bound in honor in accepting a place in this Convention to contend within reasonable limits for what my constituents approve. My friends from the country towns: If in the legislature your rights are attacked, if any wolf comes around your



room has changed a little—in 1848, a member of the legislature. I was a member of the legislature of 1849, of 1876, and of 1877, and of the Convention of 1889. Now, as I look around, I ask where are the men of 1848 and 1849? I see sons of two of my friends from Newport, who were here in 1849, and these sons have worthily represented their fathers. I remember Edwards and Chamberlain from Keene; Hatch and Goodwin, and W. H. Y. Hackett from Portsmouth, from Exeter, my dear friend who was my room-mate, General Marston; from Nashua, my brothers and my dear friends, General Stevens and George Y. Sawyer. I could go into almost every town and city represented by you and call to memory the names of men that were with me in years long ago. I stand almost alone. You may think it a sad hour for me. In one sense it may be called a sad hour. But still, gentlemen, every year and every day brings to me something brighter than the past.

Mr. Chairman and gentlemen, as we are about to part, should I say farewell? No. There is no such word in my vocabulary as farewell, with the usual idea of sadness in it. I prefer that good old Saxon word, "good-by," to leave with you, which is "God-speed," or "God bless you." Members of this Constitutional Convention of 1902, men from the hills and from the cities, "Good-by." We may meet again to-morrow, or if not to-morrow, or to-morrow, yet in some brighter and better clime we shall surely meet again.

Mr. Jordan of Concord—Mr. Chairman, I would ask if you would confer a favor upon me, to allow me to shake hands with that good, venerable, old man. His words have reminded me of the words of another, "Love one another as I have loved you." That man brought to my mind the words that were uttered back in ancient days, and those words are still true, according to my belief. It is a pleasure to touch the hand of such a man as this.

Mr. Norris of Portsmouth—I rise to second the resolution of the distinguished gentleman from Manchester. I desire to bear testimony to the strict impartiality, the uniform courtesy and the great ability with which the President of this Convention has fulfilled the duties of his office.

The resolution was unanimously adopted by a rising vote.

The President, having resumed the chair, addressed the Convention as follows:

I cannot fail to be deeply moved by this expression of your approbation and good will. I know I shall be pardoned if I especially voice that feeling of affection which for so many years I have entertained for my old friend, the venerable mover of this resolution, and to express my gratification that that friendship was so securely fixed that it could not be disturbed or interrupted by any combination of circumstances.

I wish I might find fitting words to express the appreciation

**people shall soberly and reflectively review your work and the difficulties surrounding it, I am sure they will say on the whole that the work was well done.**

Again, gentlemen; again, my friends, allow me to thank you, one and all, for the generous and friendly courtesy which you have shown to your President from the beginning

Mr. Chandler of Concord -I call for the regular order, Mr. President.

The President—The regular order is the resolution offered by the gentleman from Franklin, Mr. Leach, in Committee of the Whole, as a substitute for the resolution offered by the gentleman from Concord, Mr. Chandler, with reference to free passes. I would say that the records show that those matters are now in the Committee of the Whole.

Mr. Chandler of Concord—That is not exactly as I under-

stand the situation. The resolution, or motion, of the gentleman from Franklin was made in Committee of the Whole, and the Committee of the Whole undertook to deal with it. There was no quorum, and the committee rose, and last evening I asked unanimous consent that the Convention, at 12 o'clock to-day, in Convention, should vote by yeas and nays on the proposition of the gentleman from Franklin, which I understand is a substitute for mine.

The President—The chair will state that the memorandum of the secretary is that the gentleman from Concord asked unanimous consent that the resolution of the gentleman from Franklin, Mr. Leach, on free passes be voted upon at 12 o'clock by a yea and nay vote. But the resolution of the gentleman from Franklin is in Committee of the Whole, and the motion to go into a Committee of the Whole, or a motion to take that resolution from the Committee of the Whole, would seem to be the parliamentary way of reaching it.

Mr. Chandler of Concord—There cannot be any misunderstanding as to my request or of what the Convention consented to last evening. If it had been necessary in order to make the positive order of the Convention effective to have the resolution taken from the Committee of the Whole and laid before the Convention, that fact should have been stated yesterday evening. Now I do not care how we get at this question. If the distinguished parliamentarians who have recently been in consultation on the subject have evolved a method by which the positive vote of the Convention can be carried out, I am content.

The President—The chair will receive any motion, but the chair rules advisedly that the resolution of the gentleman from Franklin, Mr. Leach, and the resolution of the gentleman from Concord, Mr. Chandler, are now in the Committee of the Whole, and the Convention cannot vote upon those matters without a vote to bring them from the Committee of the Whole before the Convention, or without going into a Committee of the Whole to consider them.

**Mr. Chandler of Concord—I ask leave to include all the resolutions concerning the matter.**

The President—The question is upon the withdrawal of all the resolutions from the Committee of the Whole.

The resolutions are ordered withdrawn.

The question is upon the adoption of the resolution offered by Mr. Leach of Franklin:

*Resolved*, That the committee report to the Convention in favor of the indefinite postponement of all proposed amendments relating to free passes, with the recommendation that the legislature consider the subject and enact such legislation, if any, as in their opinion the public good may require.”

In accordance with the vote of the Convention Thursday evening the yeas and nays were ordered taken.

The following gentlemen voted in the affirmative:

ROCKINGHAM COUNTY. Flanders of Brentwood, Sanders, Gillispie, Abbott of Derry, Morrill, Follansby, Wetherell, Leddy, Hooke, Sanborn of Hampstead, Chase of Kingston, Pillsbury, Walker of Newmarket, Battles, Evans, Kelsey of Nottingham, Peaslee, Howard, Norris, Healey, Wheeler, Locke of Seabrook.

STRAFFORD COUNTY. Locke of Barrington, Leighton, Nealley, Morang, Folsom, Nute of Dover, Willson of Farmington, Webb, Moore, Furbush, Meader, Springfield, Gelinas, Cochrane, Edgerly, Locke of Somersworth, Hall of Strafford.

BELKAP COUNTY. Bryar, Jewett, Gorrell, Thompson of Laconia, Smith of New Hampton, Knox, Fellows.

CARROLL COUNTY. Colman, Spencer, Hobson, Gibson, Morrill of Conway, Harmon, Merrow, Murch, Meserve, Brown of Ossipee, Dorr, Page of Tamworth, Morrison of Tuftonborough, Sanborn of Wakefield, Clow, Hersey.

MERRIMACK COUNTY. Stone of Andover, Frame, Dudley of Concord, Virgin, Lyford, Mitchell of Concord, Foster, Kimball of Concord, Walker of Concord, Howe, Whittier, Ingalls, Casey, Ford of Danbury, Caldwell, Dolbeer, Sanborn of Franklin, Stone of Franklin, Leach, Towne, Wilson of Hill, Head, Clough of Loudon, Todd, Wyatt, Miller, Webster, Thompson of Warner, Lang.

HILLSBOROUGH COUNTY. Woodbury of Bedford, Kimball of Bennington, Whitaker of Deering, Peavey, Bacon, Fogg, Powers of Hollis, Marsh, Tarbell, Lambert, Wilkinson, Briggs, Cross, Hunt, Dodge of Manchester, Boutwell, Little, Rose, Jones, Robinson, Tremblay, Lord, Farrington, Harvey, Precourt, Irwin, Quirin Joseph, Allen, Clement of Manchester, Littlefield, Powers of Manchester, McElroy, Richer, Plante, Guerin, Hall of Manchester, Paige of Manchester, Whitaker of Mason, Gordon, Raymond, Hamblett, Spring, Everett, Flood, Wason, Woodbury of Nashua, Proctor, Runnells, Shedd,

**Hinman, Aldrich of Whitefield, Dodge of Whitefield.**

The following gentlemen voted in the negative:

ROCKINGHAM COUNTY. Conley, Sanborn of Auburn, Eaton, Kimball of Danville, Kelsey of Deerfield, Towle, Ware, Shaw, Pollard, de Rochemont, Cate, Emery S. W., Paul, Ham, Cullen, Sawyer of Rye, Cole, Jewell of South Hampton, Wingate, Clark of Windham.

STRAFFORD COUNTY. Morrison of Dover, Roberts, Hanson of Dover, Hall of Dover, Murphy, Gunnison, Nutter of Rollinsford, Leary, Roy, Morin.

BERKNAPE COUNTY. Colbath, Clark of Center Harbor, Cogswell, Pulsifer of Laconia, Busiel, Lewis, Smith of Meredith, Rogers.

CARROLL COUNTY. Nickerson, Dearborn of Eaton.

MERRIMACK COUNTY. Blodgett of Allenstown, Buxton, Baker, French of Bradford, Foote, Hollis, Niles, Lamprey of Concord, Chandler, Jordan, Wilkins, Putnam, Messer, Chickering, Green of Pittsfield, Sawyer of Salisbury.

HILLSBOROUGH COUNTY. Hubbard, Fessenden, Colby, Paige of Goffstown, Clyde, Abbott of Manchester, Green of Manchester, Starr, Horan, Glancy, Sullivan, Griffin, Jennings, Hildreth of Manchester, McAllister, Greager, Provost, Boivin, Trinity, Rotch, Worcester, Clough of Nashua, Harriman, Ledoux, Desmarais, Seavey.

CHESHIRE COUNTY. Amidon, Buckley, Osgood, Cass, McClure.

SULLIVAN COUNTY. Stockwell, Rossiter, Bartlett, Newton.

GRAFTON COUNTY. Carbee, Ashley, Parker of Franconia, Colby of Hanover, Drake, Warden, Russell, Wentworth.

COOS COUNTY. Boudreau, Thurston.

And 221 gentleman having voted in the affirmative and 101 gentlemen having voted in the negative, the motion to substitute the resolution of Mr. Leach prevailed.

Mr. Baker of Bow offered the following resolution:

*“Resolved*, That the thanks of this Convention be extended to its officers, employés, and others acting in connection with it, for the faithful and efficient manner in which they have performed their various duties.”

The resolution was adopted.

Mr. Chandler of Concord—The Committee on the Time and Mode of Submitting to the People the Amendments Agreed to by the Convention are in doubt concerning two or three matters which need to be examined. We submit to the pleasure of the Convention the question whether we shall retire now and endeavor to make the report immediately, or the Convention adjourn for one hour.



**Submitting to the People the Amendments Agreed to by the Convention, made the following report:**

Mr. Chandler of Concord: Mr. President and Gentlemen of the Convention: The amendments to the Constitution which have been considered by the Committee on Time and Mode of Submitting to the People the Amendments Agreed to by the Convention are ten. The amendment presented by the gentleman from Plymouth, Mr. Russell, and adopted in one vote, has been divided into two parts. The provision relating to the examination of candidates for military office is one part, and the provision with reference to the commissary-general is another.

Your committee, Mr. President, has examined the text of all of these amendments with great care. We have made no suggestions except in one case where one word has been inserted. Otherwise they are as adopted by the Convention,

and I hand these ten amendments to the secretary, asking that they be adopted as the correct text of the amendments.

The committee have instructed me to report the following order to be adopted by the Convention, which, as it has been changed by me recently by direction of the committee, I will read myself, with the permission of the Convention.

### THE STATE OF NEW HAMPSHIRE.

In the Year of Our Lord One thousand Nine hundred and Two.

In the Convention of delegates assembled at Concord on the first Tuesday of December, in the year of our Lord one thousand nine hundred and two, for the purpose of revising the Constitution of this state, in pursuance of an act of the legislature passed March 21, 1901,—

“I. *Resolved*: That the alterations and amendments proposed to the Constitution shall be submitted to the qualified voters of the state, at meetings which shall be duly called and held in the several towns, wards of cities, and other places in the state on the second Tuesday of March, 1903, to be by said voters acted upon at said meetings, or any adjournments thereof within the same week.

“II. *Resolved*: That the selectmen of the several towns, wards, and places in the state be and are hereby directed to insert, in their warrants calling the said meetings, an article to the following effect: ‘To take the sense of the qualified voters whether the alterations and amendments of the Constitution proposed by the Constitutional Convention shall be approved.’

“III. *Resolved*: That the sense of the qualified voters shall be taken by ballot upon each of the following questions submitted to them by this Convention:

“1. Do you approve of requiring every person in order to

**classes of property, including franchises and property when passing by will or inheritance;—as proposed in the amendment to the Constitution?**

**“5. Do you approve of allowing the legislature to give police courts jurisdiction to try and determine, subject to the respondent’s right of appeal and trial by jury, criminal cases wherein the punishment is less than imprisonment in the state’s prison: as proposed in the amendment to the Constitution?**

**“6. Do you approve of amending the Bill of Rights by striking out the word ‘evangelical’ before the word ‘principles’ and inserting the word ‘Christian’ and striking out the word ‘Protestant’ before the words ‘teachers of piety, religion, and morality,’ and striking out the word ‘towns’ in two places where the legislature is empowered to authorize ‘towns, par-**

ishes, and religious societies' to support and maintain teachers of religion and morality; and striking out the words 'and every denomination of Christians' and inserting the words 'all religious sects and denominations' where equal protection of the law is assured;—as proposed in the amendment to the Constitution?

"7. Do you approve of striking out the word 'male' before the word 'inhabitant' in the clause which provides that every male inhabitant twenty-one years of age (with certain exceptions) shall have a right to vote; which clause is supplemented by the existing provision that every such person shall be considered an inhabitant for the purpose of electing and being elected to office;—as proposed in the amendment to the Constitution?

"8. Do you approve of granting to the general court all just powers possessed by the state to enact laws to prevent the operations within the state of all persons and associations, trusts and corporations who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means;—as proposed in the amendment to the Constitution?

"9. Do you approve of amending the provision as to representation in the house of representatives by making 800 inhabitants necessary to the election of one representative and 2,400 inhabitants necessary for two representatives and 1,600 necessary for each additional representative; with the proviso that a town, ward, or place having less than 800 inhabitants may send a representative a proportionate part of the time; or that such towns, wards, and places when contiguous may unite to elect a representative if each town so decides by major vote;—as proposed in the amendment to the Constitution?

"10. Do you approve of giving the legislature authority to establish more than one place of public meeting within the

**amended by this Convention together with the alterations and amendments, and the same number of copies of the questions to be proposed to the qualified voters, and the same number of these resolutions, and to cause such copies to be distributed immediately to the town clerks of the respective towns, wards, and places in the state, for the use of the qualified voters, in numbers proportionate as near as may be to the numbers of the legal voters in the said respective towns, wards, and places, and it is made the duty of said clerks immediately to distribute such copies among said voters**

**“VII. Resolved** That the secretary of state be also required to furnish not less than 120,000 printed ballots containing said questions to be thus voted upon, and to distribute the same to the town clerks as provided in the preceding resolution, a reasonable time previous to said meetings, to be by them seasonably distributed at said meetings.

“Upon the said ballots containing the questions to be voted upon and under each question thereon shall be printed the word ‘Yes’ at the left hand with a square near it and at the right hand the word ‘No’, with a square near it, and the voter desiring to vote ‘Yes’ upon any one of said questions shall make a cross in the square near the word ‘Yes,’ and if he desires to vote ‘No,’ he shall make a cross in the square near the word ‘No’; and he shall do this as to each question upon which he desires to vote. All ballots cast where no cross is made in a square under any question shall not be counted as to such question.

“The secretary of state shall cause to be printed at the bottom of each ballot, distributed to the town clerks, a note in plain and conspicuous type as follows:

“‘Every voter who wishes to vote ‘Yes’ will make a cross in the square near the word ‘Yes.’ If he wishes to vote ‘No’ he will make a cross in the square near the word ‘No.’ If he make no cross in either square his ballot will not be counted. Be sure and vote on all the questions submitted.’

“VIII. *Resolved*: That the governor and council, prior to the second Tuesday of April, 1903, shall open and count said votes; and make a record thereof; and the governor shall forthwith issue his proclamation announcing the result of the vote on each of said questions submitted to the people.

“IX. *Resolved*: That such of the proposed amendments as shall be approved by the requisite number of votes, shall take effect and be in force at the times hereinafter mentioned, to wit: The amendment relative to representation in the house of representatives at the date when the legislature in session at its adoption or next in session thereafter shall adjourn and the other amendments when their adoption is proclaimed by the governor.

“X. *Resolved*: That these resolutions, signed by the president of this convention and attested by the secretary, shall be published once in all the weekly newspapers of the state

**will take effect immediately after their adoption in April or May next. Many of them, as the delegates will realize, give authority to the legislature to act. They take effect immediately, and the legislature in session at the time they take effect will act under them.**

With reference to the matter of representation, that requires action, of course, by the legislature, so we make that to take effect whenever the legislature that may be in session when the amendments are adopted shall adjourn, or whenever the next legislature that may meet shall adjourn, giving the legislature in either case an opportunity to apply the new principles laid down in the constitutional amendment to the towns and cities of the state. The other amendments go into effect simultaneously with their adoption.

Mr. Everett of Nashua—The explanation, although rather

long, is not clear to me. What I want to understand is, whether the coming legislature will put the amendments into effect.

Mr. Chandler of Concord—I think the committee thought the next legislature would either adjourn to or be in session on the second Tuesday of March next. If it were in session, and this amendment with reference to representation had been defeated, they would go home. If they found it was adopted, they would undoubtedly either wait and enact some measure to carry the amendment into practice, or would adjourn for a short time and come back.

Mr. Everett of Nashua—Why not make this matter clear and have a date specified when this matter shall be acted upon?

Mr. Pillsbury of Londonderry—It seems to me that the gentlemen have both lost sight of the fact that the resolution submitted by the gentleman from Concord, Mr. Chandler, has a provision that the returns must be made by the town clerk by the fourth Tuesday of March, so it would hardly be possible or probable for the next legislature to put it into effect.

Mr. Everett of Nashua—That is my point. Why not say here in what legislature it shall take effect?

Mr. Chandler of Concord—The gentleman from Nashua, early in the session, joined in a discussion and talked to the Convention when it did not wish to hear him. I do not wish to talk to this Convention if it be disinclined to hear me, any more than the gentleman from Nashua. But I see that if I am to make myself clear I must do more or less talking.

It is true, as the gentleman from Londonderry has said, that the returns are not necessarily to be made until the fourth Tuesday of March, but the legislature will know upon the night of the second Tuesday of March whether the amend-



**Mr. Kent of Lancaster**—I merely wish to make this suggestion, that if the amendment in regard to the reduction of the legislative takes effect at the adjournment of this incoming Legislature, it reduces the number of members about seventy-five. The next Legislature thereafter would be so much smaller, and it would save an additional expenditure of about \$15,000.

The President: The question is upon the adoption of the resolution submitted by the committee.

On *motion* of the affirmative prevailed and the resolution was declared adopted.

Mr. Sullivan of Manchester presented the following, which was unanimously adopted:

*“Resolved,* That the thanks of this Convention be and are hereby extended to the several representatives of the press for the able and accurate reports of the daily proceedings of the Convention and for their courteous treatment of the members.”

Mr. Edgerly of Somersworth moved that the Convention adjourn, to meet at the call of the President, or, in the event of his death, at the call of the governor of the state.

And it was so voted.

T. H. MADIGAN, JR., SECRETARY.

A true record.

Attest:

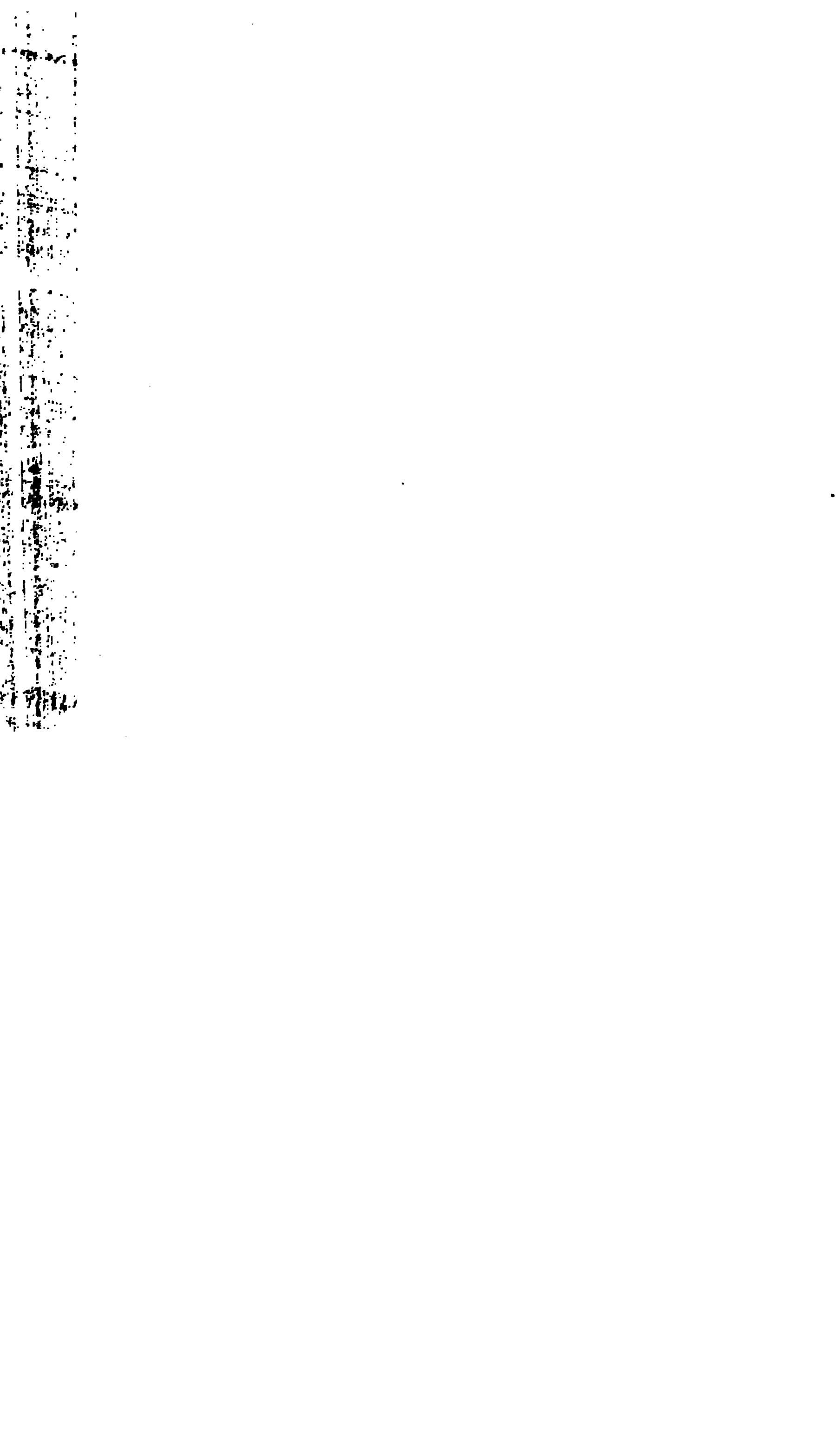
T. H. MADIGAN, JR., SECRETARY.



# APPENDIX A.

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Tables and Information Ordered Printed by  
Vote of the Convention.



## APPENDIX A.

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TABLE SUBMITTED BY MR. SCOTT OF PETERBOROUGH.  
ROCKINGHAM COUNTY—1900.  
REPRESENTATIVES.

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BELKNAP COUNTY.

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## MERRIMACK COUNTY.

TOWNS.	Population.	Inc. of 1,200.	Inc. of 2,000.	Inc. of 3,000.
Allenstown.....	1,496	1	1	1
Andover .....	1,179	1	1	1
Boscawen.....	1,455	1	1	1
Bow.....	617	1	1	1
Bradford.....	805	1	1	1
Canterbury.....	821	1	1	1
Chichester .....	821	1	1	1
Concord.....	19,632	.....	.....	.....
Ward 1.....	1,911	2	1	1
Ward 2.....	753	1	1	1
Ward 3.....	1,043	1	1	1
Ward 4.....	3,644	3	2	2
Ward 5.....	2,609	2	2	1
Ward 6.....	3,390	3	2	1
Ward 7.....	3,178	3	2	1
Ward 8.....	1,212	1	1	1
Ward 9.....	1,892	2	1	1
Danbury.....	654	1	1	1
Dunbarton.....	551	.....	.....	.....
Epsom.....	771	1	1	1
Franklin .....	5,846	.....	.....	.....
Ward 1.....	1,572	1	1	1
Ward 2.....	2,365	2	1	1
Ward 3.....	1,909	2	1	1
Henniker .....	1,505	1	1	1
Hill.....	603	1	1	1
Hooksett.....	1,665	1	1	1
Hopkinton.....	1,652	1	1	1
Loudon .....	960	1	1	1
Newbury.....	424	.....	.....	.....
New London .....	768	1	1	1
Northfield.....	1,227	1	1	1
Pembroke.....	3,183	3	2	1
Pittsfield.....	2,129	2	1	1
Salisbury.....	604	1	1	1
Sutton .....	776	1	1	1
Warner .....	1,358	1	1	1
Webster.....	496	.....	.....	.....
Wilmot .....	653	1	1	1
		48	39	35



CHESHIRE COUNTY.

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## GRAFTON COUNTY.

TOWNS.	Population.	Inc. of 1,200.	Inc. of 2,000.	Inc. of 3,000.
Alexandria.....	630	1	1	1
Ashland.....	1,289	1	1	1
Bath.....	1,008	1	1	1
Benton.....	209	.....	.....	.....
Bethlehem.....	1,261	1	1	1
Bridgewater.....	244	.....	.....	.....
Bristol.....	1,600	1	1	1
Campton.....	999	1	1	1
Canaan.....	1,444	1	1	1
Dorchester.....	308	.....	.....	.....
Easton.....	249	.....	.....	.....
Ellsworth.....	107	.....	.....	.....
Enfield.....	1,845	2	1	1
Franconia.....	655	1	1	1
Grafton.....	748	1	1	1
Groton.....	346	.....	.....	.....
Hanover.....	1,884	2	1	1
Haverhill.....	3,414	3	2	1
Hebron.....	214	.....	.....	.....
Holderness.....	662	1	1	1
Landaff.....	500	.....	.....	.....
Lebanon.....	4,965	4	3	2
Lincoln.....	541	.....	.....	.....
Lisbon.....	2,221	2	1	1
Littleton.....	4,066	3	2	2
Livermore.....	191	.....	.....	.....
Lyman.....	426	.....	.....	.....
Lyme.....	1,080	1	1	1
Monroe.....	545	.....	.....	.....
Orange.....	213	.....	.....	.....
Orford.....	890	1	1	1
Piermont.....	637	1	1	1
Plymouth.....	1,972	2	1	1
Rumney.....	837	1	1	1
Thornton.....	552	.....	.....	.....
Warren.....	799	1	1	1
Waterville.....	50	.....	.....	.....
Wentworth.....	617	1	1	1
Woodstock.....	628	1	1	1
		35	28	26

Jefferson . . . . .	1,080	1	1	1
Kilkenny . . . . .	47			
Lancaster . . . . .	1,190	2	2	1
Low & Burbank's Grant				
Martin's Location				
Milan . . . . .	1,135	1	1	1
Millsheld . . . . .	41			
Northumberland . . . . .	1,797	1	1	1
Odell . . . . .				
Pinkham's Grant				
Pillsbury . . . . .	687	1	1	1
Randolph . . . . .	137			
Sargent's Purchase				
Shelburne . . . . .	283			
Stark . . . . .	733	1	1	1
Stewartstown . . . . .	1,150	1	1	1
Stratford . . . . .	968	1	1	1
Success . . . . .	220			
Thompson & Meserve's Purchase	18			
Wentworth's Location . . . . .	58			
Whitefield . . . . .	2,157	2	1	1
		25	19	16

COUNTIES.	Population.	Inc. of 1,200.	Inc. of 2,000.	Inc. of 3,000.
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None

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Representatives from towns 46, pro-rated.



8,987 divided by 800 equals 11 187-800 plus 80 equals 11 187-800.

## STRAFFORD COUNTY.

Barrington .....	1,208	.....	1
Dover, 8:			
Ward 1.....	2,887	.....	1
Ward 2.....	3,018	.....	2
Ward 3.....	2,884	.....	1
Ward 4.....	3,851	.....	2
Ward 5.....	1,567	.....	1
Durham.....	996	.....	1
Farmington.....	2,265	.....	1
Lee.....		545	.....
Madbury.....		336	.....
Middleton.....		300	.....
Milton.....	1,625		1
New Durham.....		625	.....
Rochester, 6:			
Ward 1.....	1,131	.....	1
Ward 2.....	1,122	.....	1
Ward 3.....	1,510	.....	1
Ward 4.....	1,901	.....	1
Ward 5.....	964	.....	1
Ward 6.....	1,738	.....	1
Rollinsford.....	1,701	.....	1
Somersworth, 5:			
Ward 1.....	1,266	.....	1
Ward 2.....	1,167	.....	1
Ward 3.....	1,104	.....	1
Ward 4.....	2,183	.....	1
Ward 5.....	1,284	.....	1
Strafford.....	1,040	.....	1
		1,806	24

1,806 divided by 800 equals 2 206-800 plus 24 equals 26 206-800.

4,186 divided by 800 equals 5 186-800 plus 9 equals 14 186-800.

## BELKNAP COUNTY.

TOWNS.	Population of towns and wards having one or more the first addi-		Number of from each having more than 800 inhabitants.
Alton.....	1,500	.....	1
Barnstead.....	1,072	.....	1
Belmont.....	1,204	.....	1
Center Harbor.....	.....	422	.....
Gilford.....	.....	661	.....
Gilmanton.....	1,100	.....	1
Laconia, 6:	.....	.....	.....
Ward 1.....	.....	417	.....
Ward 2.....	1,466	.....	1
Ward 3.....	1,073	.....	1
Ward 4.....	1,465	.....	1
Ward 5.....	1,485	.....	1
Ward 6.....	2,187	.....	1
Meredith.....	1,718	.....	1
New Hampton.....	852	.....	1
Sanbornton.....	944	.....	1
Tilton.....	1,926	.....	1
		1,500	13

1,500 divided by 800 equals 1 7-8 plus 12 equals 14 7-8.

Northfield . . . . .	1,227		1
Pembroke . . . . .	3,183		2
Pittsfield . . . . .	2,129		1
Salisbury . . . . .		604	
Sutton . . . . .	770		1
Warner . . . . .	1,353		1
Wilmot . . . . .		653	
Webster . . . . .		496	
		<hr/>	<hr/>
		5,200	32

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5,200 divided by 800 equals 6 1-2 plus 32 equals 31 1-2.

## HILLSBOROUGH COUNTY.

Amherst.....	1,231	.....	1
Antrim.....	1,866	.....	1
Bedford.....	1,148	.....	1
Bennington.....	.....	667	.....
Brookline.....	.....	606	.....
Deering.....	.....	486	.....
Francestown.....	.....	606	.....
Goffstown.....	2,528	.....	1
Greenfield.....	.....	606	.....
Greenville.....	1,606	.....	1
Hancock.....	.....	642	.....
Hillsborough.....	2,254	.....	1
Hollis.....	910	.....	1
Hudson.....	1,261	.....	1
Litchfield.....	.....	243	.....
Lyndeborough.....	.....	686	.....
Manchester, 31:	.....	.....	.....
Ward 1.....	3,625	.....	2
Ward 2.....	5,501	.....	3
Ward 3.....	7,320	.....	4
Ward 4.....	6,922	.....	4
Ward 5.....	9,094	.....	5
Ward 6.....	4,860	.....	3
Ward 7.....	1,757	.....	1
Ward 8.....	5,506	.....	3
Ward 9.....	7,968	.....	4
Ward 10.....	4,394	.....	2
Mason.....	.....	358	.....
Merrimack.....	1,234	.....	1
Milford.....	3,739	.....	2
Mont Vernon.....	.....	453	.....
Nashua, 13:	.....	.....	.....
Ward 1.....	2,384	.....	1
Ward 2.....	2,274	.....	1
Ward 3.....	3,476	.....	2
Ward 4.....	1,570	.....	1
Ward 5.....	1,651	.....	1
Ward 7.....	3,477	.....	2
Ward 8.....	3,082	.....	2
Ward 9.....	4,544	.....	2
New Boston.....	1,002	.....	1
New Ipswich.....	911	.....	1
Pelham.....	875	.....	1
Peterborough.....	2,527	.....	1
Sharon.....	.....	122	.....
Temple.....	.....	313	.....
Weare.....	1,553	.....	1
Wilton.....	1,696	.....	1
Windsor.....	.....	38	.....
	59	12	61

5,912 divided by 800 equals 7 312-800 plus 61 equals 68 312-800.

Windsor . . . . .	459	.	.
Richmond . . . . .	459	.	.
Rindge . . . . .	855	.	1
Roxbury . . . . .	100	.	.
Stoddard . . . . .	367	.	.
Sullivan . . . . .	287	.	.
Surry . . . . .	250	.	.
Swansey . . . . .	1,570	.	1
Troy . . . . .	1,527	.	1
Walpole . . . . .	2,003	.	1
Westmoreland . . . . .	875	.	1
Winchester . . . . .	2,274	.	1
	<hr/>	<hr/>	<hr/>
	3,456		18

3,456 divided by 800 equals 4 256-800 plus 18 equals 22 256-800.

## SULLIVAN COUNTY.

Acworth.....		594	.....
Charlestown.....	1,478	.....	1
Claremont.....	6,496	.....	3
Cornish.....	962	.....	1
Croydon.....		372	.....
Goshen.....		345	.....
Grantham.....		171	.....
Langdon.....		339	.....
Lempster.....		391	.....
Newport.....	3,126	.....	2
Plainfield.....	1,114	.....	1
Springfield.....		439	.....
Sunapee.....	946	.....	1
Unity.....		572	.....
Washington.....		464	.....
		3,690	9

3,690 divided by 800 equals 4 69-80 plus 9 equals 13 69-80.



9,272 divided by 800 equals 11 552-800 plus 21 equals 32 452-800.

## COOS COUNTY.

Berlin:			
Ward 1.....	3,076	.....	2
Ward 2.....	3,324	.....	2
Ward 3.....	2,486	.....	1
Cambridge.....		20	.....
Carroll.....		710	.....
Clarksville.....		207	.....
Colebrook.....	1,876		1
Columbia.....		690	.....
Crawford's Purchase.....		10	.....
Dalton.....		692	.....
Dartmouth College Grant.....		18	.....
Dixville.....		15	.....
Dummer.....		844	.....
Errol.....		805	.....
Gorham.....	1,797		1
Green's Grant.....		13	.....
Jefferson.....	1,080		1
Kilkenny.....		47	.....
Lancaster.....	3,190		2
Milan.....	1,135		1
Millsfield.....		41	.....
Northumberland.....	1,977		1
Pinkham's Grant.....		4	.....
Pittsburg.....		667	.....
Randolph.....		137	.....
Shelburne.....		283	.....
Stark.....		733	.....
Stewartstown.....	1,150		1
Stratford.....	968		1
Success.....		220	.....
Thompson's and Meserve's Purchase.....		18	.....
Wentworth's Location.....		58	.....
Whitefield.....	2,157		1
		5,252	15

5,252 divided by 300 equals 6 452-300 plus 15 equals 21 452-300.



## TABLE SUBMITTED BY MR. LEACH OF FRANKLIN.

Tabulation under the Leach amendment, based on a house of representatives limited to three hundred members, and a population for each representative of thirteen hundred and seventy under present census, with surplus population given to small towns, and the town system preserved.

Upon the basis of thirteen hundred and seventy for each representative the following towns and wards would be entitled as follows, viz.:

## ROCKINGHAM COUNTY.

Derry.....	2
Epping.....	1
Exeter .....	3
Londonderry.....	1
Newmarket .....	2
Portsmouth:	
Ward 1.....	1
Ward 2.....	2
Ward 3.....	1
Ward 4....	1
Ward 5.....	1
Salem.....	1
Seabrook.....	1
	—
Total.....	17

## STRAFFORD COUNTY.

Dover:	
Ward 1.....	1
Ward 2.....	2
Ward 3.....	1
Ward 4.....	1
Farmington .....	1
Milton.....	1
Rochester:	
Ward 3.....	1
Ward 4.....	2
Ward 5.....	1
Ward 6.....	1
Rollinsford.....	1
Somersworth:	
Ward 4.....	1
	—
Total.....	14

<b>Ward 4.</b> .....	<b>2</b>
<b>Ward 5.</b> .....	<b>1</b>
<b>Ward 6.</b> .....	<b>2</b>
<b>Ward 7.</b> .....	<b>2</b>
<b>Ward 8</b> .....	<b>1</b>
<b>Franklin:</b>	
Ward 1. ....	1
Ward 2. ....	1
Ward 3. ....	1
<b>Henniker</b> .....	<b>1</b>
<b>Hooksett</b> .....	<b>1</b>
<b>Hopkinton</b> .....	<b>1</b>
<b>Pembroke</b> .....	<b>2</b>
<b>Pittsfield</b> .....	<b>1</b>
<b>Total</b> .....	<b>21</b>

#### HILLSBOROUGH COUNTY.

<b>Goffstown</b> .....	<b>1</b>
<b>Greenville</b> .....	<b>1</b>
<b>Hillsborough</b> .....	<b>1</b>

<b>Manchester:</b>	
Ward 1.....	2
Ward 2.....	4
Ward 3.....	5
Ward 4.....	5
Ward 5.....	6
Ward 6.....	3
Ward 7.....	1
Ward 8.....	4
Ward 9.....	5
Ward 10.....	3
Milford.....	2
<b>Nashua:</b>	
Ward 1... ..	1
Ward 2.....	1
Ward 3.....	2
Ward 4.....	1
Ward 5.....	1
Ward 6.....	1
Ward 7.....	2
Ward 8.....	2
Ward 9.....	3
Peterborough .....	1
Weare.....	1
Wilton.....	1
<hr/>	
Total.....	60

CHESHIRE COUNTY.

Hinsdale.....	1
Jaffrey.....	1
<b>Keene:</b>	
Ward 1.....	1
Ward 2.....	1
Ward 3.....	1
Ward 4.....	1
Ward 5.....	1
Swanzey.....	1
Troy.....	1
Walpole.....	1
Winchester.....	1
<hr/>	
Total .....	11

SULLIVAN COUNTY.

Charlestown.....	1
Claremont.....	4
Newport.....	2
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Total.....	7

**Total population of these towns and wards, 282,115.**  
**Actual ratio 1680 of population for each representative.**  
 Population of the remaining towns, 129,473.  
 Number members not taken by first basis, 135

Number remaining towns and wards with population over 850	63
Number remaining towns with population over 700	17
Number remaining towns with population 600 or more	30
Allowing one member to each town with population over 600 requires	110
Number of members not yet allotted	25
Number remaining towns with population over 500	14
Number remaining towns with population over 400	13
Number remaining towns with population over 300	14
Number remaining towns with population over 200	10
Number remaining towns with population over 100	6
Number remaining towns and grants with total population 415	12

None of the above towns with population of less than 600 can now send a representative each session, and under the proposed plan all having a population above 300 could send every other session or once in four years, or according to the proportion their population entitles them to, as the legislature may prescribe

## TABLE SUBMITTED BY MR. BARTON OF NEWPORT.

Table showing the loss each town and county will suffer by the amendment to Part II, Art. 9, of the Constitution by changing the mean increase from 1,200 to 2,000 inhabitants:

## ROCKINGHAM COUNTY.

Derry.....	1
Exeter.....	1
Portsmouth	
Ward 2.....	1
Ward 3.....	1— 2
Salem.....	1— 5

## STRAFFORD COUNTY.

Dover	
Ward 1.....	1
Ward 2.....	1
Ward 3.....	1
Ward 4.....	1— 4
Farmington.....	1
Rochester	
Ward 4.....	1
Somersworth	
Ward 4.....	1— 7

## BELKNAP COUNTY.

Laconia	
Ward 6.....	1
Tilton.....	1— 2

## CARROLL COUNTY.

Conway....	1
Wolfeborough.....	1— 2

## MERRIMACK COUNTY.

Concord	
Ward 1.....	1
Ward 4.....	1
Ward 6.....	1
Ward 7.....	1
Ward 9.....	1— 5
Franklin	
Ward 2.....	1
Ward 3.....	1— 2
Pembroke .....	1
Pittsfield.....	1— 9



<b>Hinsdale</b> .....	<b>1</b>
<b>Jaffrey</b> ....	<b>1</b>
<b>Keene</b>	
Ward 1	1
Ward 2	1
Ward 3	1— 3
<b>Winchester</b>	<b>1— 6</b>

#### SULLIVAN COUNTY

<b>Claremont</b>	<b>2</b>
<b>Newport</b>	<b>1— 3</b>

#### GRAFTON COUNTY

<b>Enfield</b>	<b>1</b>
<b>Hanover</b>	<b>1</b>
<b>Haverhill</b>	<b>1</b>
<b>Lebanon</b>	<b>1</b>
<b>Lisbon</b>	<b>1</b>
<b>Littleton</b>	<b>1</b>
<b>Plymouth</b>	<b>1— 7</b>

COÖS COUNTY.

Berlin	
Ward 1.....	1
Ward 2.....	1
Ward 3.....	1— 3
Colebrook.....	1
Lancaster .....	1
Whitefield.....	1— 6
	<hr/>
Total loss.....	76
Membership of next house.....	393
	76
Size of house reduced.....	317

Of which 46 represent class towns.

Should the pro-rated towns be based on 800 instead of 600 the class towns will increase from 69 to 111, and of the large towns Walpole, Ward-5 of Concord, and Ward 1 of Portsmouth will each lose one.

111 class towns on 800 basis

69 class towns on 600 basis

---

42

3 loss among large towns and cities on 800 basis in excess of on 600 basis.

---

45 total loss among all towns and cities on 800 basis in excess of on 600 basis.

271 constant on 600 basis

45

---

226 constant on 800 basis

Two thirds of class towns are constantly represented; 2-3 of 111 are 74.

74 Number of class towns constantly represented.

300 Size of house pro-rating on 800 and increasing by a mean of 2,000 population.

1

Concord....	10
Franklin.....	3
Manchester .....	17
Nashua .....	10
Keene .....	5
Berlin.....	3
	<hr/>
	74

LARGE TOWNS.	Proposed.
Exeter. ....	3
Claremont. ....	2
Lebanon ....	2
Littleton .....	2
Lancaster.. ..	2
	<hr/>
	10

**SUNDRY INFORMATION AS TO THE PROVISIONS OF THE  
SEVERAL STATE CONSTITUTIONS FOR  
THEIR OWN AMENDMENT.**

Compiled by Mr. Baker of Bow.

STATE.	Amendments	Year	No.	Provisions
New Hampshire Convention.		1793	16	Amendments may be submitted by constitutional convention. Must be ratified by two thirds of voters voting.
Alabama.....	Legislature.	1901	None..	Three fifths of each house may submit amendments. Majority of people voting ratifies.
Arkansas.....	"	1874	4	Majority of both houses may submit amendments. Majority of voters voting ratifies.
California .....	"	1879	3	Two thirds of each house may submit amendments. Majority of people voting ratifies.
Colorado.....	"	1876	None..	Two thirds of the members elected to each house may submit amendments. Majority of voters voting ratifies.
Connecticut ....	"	1818	40	Majority of house may submit amendments which when ratified by two thirds of the next legislature and majority of people are adopted.
Delaware.....	"	1897	None..	When two thirds of senate and house of two successive legislatures pass amendments they become valid without ratification.
Florida .....	"	1885	11	Three fifths of each house may submit amendments. Majority of people voting ratifies.
Georgia.....	"	1877	8	Two thirds of each house may submit amendments. Majority of people voting ratifies.
Idaho .....	"	1889	4	Two thirds of legislature may submit amendments. Majority ratifies.
Illinois.....	"	1870	5	Two thirds of each house may submit call for convention to the people or may submit amendments directly. Majority ratifies.
Indiana .....	"	1851	4	Majority of both houses may submit amendments. Majority of electors ratifies.
Iowa .....	"	1857	11	Majority of both houses of two successive legislatures may submit amendments. Majority of qualified voters ratifies.
Kansas. ....	"	1869	.....	Two thirds of both houses may submit amendments. Majority of electors voting ratifies.
Kentucky.....	"	1891	None..	Three fifths of both houses may submit amendments. Majority of voters voting ratifies.

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\* Nine by convention—others by legislature.

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† Twenty-six by convention—two by legislature.

**NOTE.** Nearly all the states have a constitutional provision by which conventions may be called for a general revision of their constitutions. Ordinary amendments are submitted by the several legislatures.

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\* Nine by convention—others by legislature

STATE.	Amendments are submitted by	When present constitution was adopted.	Number of amendments since ratified	Constitutional requirements of the several states as to amendments.
Oregon...				
Pennsylvania				
Rhode Island				
South Carolina				
South Dakota				
Tennessee				
Texas....				
Utah.....				
Vermont.				
Virginia.				
Washington				
West Virginia				
Wisconsin				
Wyoming				

† Twenty-six by convention—two by legislature.

**NOTE.** Nearly all the states have a constitutional provision by which conventions may be called for a general revision of their constitutions. Ordinary amendments are submitted by the several legislatures.





## APPENDIX B.

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- I. Tabulation of Votes.
- II. Proclamation by His Excellency, Governor  
Nahum J. Bachelder.
- III. Constitution as Amended.



QUESTIONS SUBMITTED TO THE QUALIFIED  
VOTERS OF NEW HAMPSHIRE,  
MARCH 10, 1903.

---

Questions submitted to the qualified voters of New Hampshire, March 10, 1903:

1. Do you approve of requiring every person in order to be a voter or eligible to office to be able to read the constitution in the English language and to write, the requirement not to apply to any person who now has the right to vote nor to any person who shall be sixty years of age or upwards on January 1, 1904;—as proposed in the amendment to the Constitution?

2. Do you approve of the requirement that captains and subalterns in the militia of the state shall before their nomination and appointment be examined and found duly qualified by an examining board appointed by the governor;—as proposed in the amendment to the Constitution?

3. Do you approve of striking out the words “the commissary-general” from the requirement that the secretary of state and the state treasurer and the commissary-general, shall be chosen by the legislature;—as proposed in the amendment to the Constitution?

4. Do you approve of empowering the legislature to impose taxes not only upon polls and estates but also upon other classes of property, including franchises and property when passing by will or inheritance;—as proposed in the amendment to the Constitution?

5. Do you approve of allowing the legislature to give police courts jurisdiction to try and determine, subject to

exceptions) shall have a right to vote; which clause is supplemented by the existing provision that every such person shall be considered an inhabitant for the purpose of electing and being elected to offices proposed in the amendment to the Constitution?

8. Do you approve of granting to the grand court all the powers possessed by the state to enact laws to prevent the operations within the state of all persons and associations, trusts and combinations who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means, as proposed in the amendment to the Constitution?

9. Do you approve of amending the provision as to representation in the house of representatives by making such change as may be necessary to the election of one representative

and 2,400 inhabitants necessary for two representatives and 1,600 necessary for each additional representative; with the proviso that a town, ward or place having less than 800 inhabitants may send a representative a proportionate part of the time; or that such towns, wards, and places when contiguous may unite to elect a representative if each town so decides by major vote;—as proposed in the amendment to the Constitution?

10. Do you approve of giving the legislature authority to establish more than one place of public meeting within the limits of each town or ward in the state for the casting of votes and the election of officers under the Constitution, and for that purpose to divide any town or ward into voting precincts;—as proposed in the amendment to the Constitution?

ROCKINGHAM COUNTY

- Atkinson
- Auburn
- Bethwood
- Condit
- Chester
- Danville
- Deerfield
- Derry
- East Kingston
- Exeter
- Farming
- Freemont
- Greenland
- Hampstead
- Hampton Falls
- Kingston
- Landisville
- Newcastle
- Newfields
- Newington
- Newmarket
- Newton
- North Hampton
- Northwood
- Nottingham
- Plattsford
- Portsmouth, Ward 1
- Portsmouth, Ward 2
- Portsmouth, Ward 3
- Portsmouth, Ward 4

Ward 4.....	114	35	37	34	68	33	75	37	71	45	67	56	57	61	33	32
Ward 5.....	8	5	5	6	11	30	48	22	28	35	34	52	4	5	6	5
Raymond.....	74	17	46	25	60	80	48	32	28	35	34	52	37	51	156	25
Rye.....	74	11	22	17	73	22	38	17	78	20	18	53	35	46	238	16
Salem.....	102	11	32	17	73	22	38	17	78	22	63	45	69	38	85	22
Sandown.....	43	6	26	8	28	13	32	12	28	15	16	32	24	24	32	16
Seabrook.....	63	4	36	8	19	4	25	11	22	22	4	43	15	41	26	13
South Hampton.....	34	6	37	8	14	15	27	10	17	15	14	18	17	20	25	8
Stratham.....	33	14	41	13	23	26	43	21	37	21	18	46	28	35	42	30
Windham.....	54	9	43	12	33	19	44	13	38	17	17	36	15	46	51	9
Totals.....	8,392	681	2,327	838	1,840	1,109	2,219	1,123	2,034	1,286	1,120	2,053	2,270	2,572	2,572	969



VOT

Quos. 1 Que  
Yes No Yes

STAFFORD COUNTY

Bartonsville	92	33	6
Dover, Ward 1	146	96	109
Dover, Ward 2	156	56	143
Dover, Ward 3	102	80	110
Dover, Ward 4	111	53	171
Dover, Ward 5	111	62	11
Durham	81	42	10
Exeter, Ward 1	252	31	10
Exeter, Ward 2	145	11	38
Exeter, Ward 3	145	9	3
Exeter, Ward 4	151	98	3
Exeter, Ward 5	100	11	81
Madison	66	24	21
Madison	71	11	11
New Durham	63	12	11
Rochester, Ward 1	70	17	11
Rochester, Ward 2	63	17	31
Rochester, Ward 3	22	11	32
Rochester, Ward 4	103	11	11
Rochester, Ward 5	84	51	10
Rollinsford, Ward 1	88	27	96
Rollinsford, Ward 2	83	53	11
Rollinsford, Ward 3	17	10	11
Rollinsford, Ward 4	11	20	11
Rollinsford, Ward 5	20	11	11
Stafford	469	22	11
Totals	2,591	212	821

VOTE ON QUESTIONS SUBMITTED.

BELKNAP COUNTY.		Ques. 1		Ques. 2		Ques. 3		Ques. 4		Ques. 5		Ques. 6		Ques. 7		Ques. 8		Ques. 9		Ques. 10	
		Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No

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# APPENDIX

CARRROLL COUNTY	QUESTIONS		YES	NO	YES	NO
	1	2				
ADAMS	3	1	3	11		
Bethel	0	0	0	31		
Brownlee	1	1	1	10		
Chatham	1	4	1	8		
Chowan	1	8	1	8		
Clinton	2	1	3	43		
Forsyth	10	11	21	11		
Gaston	3	0	3	1		
Henderson	3	0	3	23		
Madison	3	0	3	28		
Montgomery	1	0	1	9		
Oswego	1	2	3	16		
Swain	1	2	3	14		
Townsend	6	2	8	1		
Union	6	2	8	1		
Wake	20	0	20	1		
Wolfeborough	20	0	20	1		
TOTALS	1,04	38	142	445		

## VOTE ON QUESTIONS SUBMITTED.

MERRIMACK COUNTY.																				
Ques. 1		Ques. 2		Ques. 3		Ques. 4		Ques. 5		Ques. 6		Ques. 7		Ques. 8		Ques. 9		Ques. 10		
Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	
How.....																				
107	61	75	16	50	32	88	33	17	21	68	34	18	106	57	48	19	108	55	49	
102	14	84	17	48	34	81	29	30	37	85	78	50	137	71	66	24	139	69	108	
65	10	27	10	22	17	28	9	25	23	75	33	28	53	30	24	51	68	33	68	
64	18	42	18	57	41	39	29	31	24	84	16	49	66	43	36	33	91	64	64	
184	46	185	23	159	27	174	27	146	31	148	44	220	124	177	44	228	124	124	124	
184	46	185	23	159	27	174	27	146	31	148	44	220	124	177	44	228	124	124	124	
112	9	86	22	78	27	54	20	28	28	81	28	68	45	69	35	69	45	69	45	
277	88	247	41	208	54	204	101	226	81	208	147	215	193	147	113	171	193	147	113	
217	30	245	41	218	59	209	106	279	108	198	97	175	154	208	113	171	193	147	113	
323	69	296	47	271	102	271	112	279	108	210	175	154	208	113	171	193	147	113	113	
323	69	296	47	271	102	271	112	279	108	210	175	154	208	113	171	193	147	113	113	
97	14	92	12	78	13	65	13	75	16	56	40	51	71	47	31	71	47	31	71	
100	50	108	33	86	29	102	41	85	26	79	81	72	71	71	71	71	71	71	71	
108	28	47	14	82	23	42	23	47	16	57	51	52	54	51	52	54	51	52	54	
72	7	58	13	60	16	48	20	41	30	49	53	53	48	53	48	53	48	53	48	
102	10	87	11	70	22	88	29	71	30	74	59	54	55	51	52	54	51	52	54	
83	97	88	79	73	53	87	50	41	38	74	92	60	117	60	117	60	117	60	117	
164	37	166	19	125	51	108	49	106	41	106	84	84	85	84	85	84	85	84	85	
125	4	124	1	108	33	108	29	106	22	106	47	47	47	47	47	47	47	47	47	
74	4	73	8	57	17	57	17	57	17	57	17	57	17	57	17	57	17	57	17	
80	41	89	44	50	54	57	53	53	48	63	44	73	31	93	57	46	53	46	53	
180	37	147	47	110	59	145	54	134	62	98	102	110	137	175	44	90	119	168	103	
85	76	67	63	51	64	61	54	61	54	61	54	61	54	61	54	61	54	61	54	
78	7	55	16	38	25	43	25	42	27	43	28	24	86	45	41	46	80	44	40	
188	9	71	18	52	13	42	13	38	14	28	28	24	86	45	41	46	80	44	40	
52	10	45	11	36	11	43	11	43	11	43	11	43	11	43	11	43	11	43	11	
251	83	205	57	170	89	146	101	143	138	105	177	143	110	194	33	107	71	245	245	
281	51	169	43	121	67	170	49	163	55	118	145	143	110	194	33	107	71	245	245	
46	16	42	31	23	44	20	31	23	44	20	31	23	44	20	31	23	44	20	31	
88	31	69	36	44	43	50	38	44	43	50	38	44	43	50	38	44	43	50	38	
174	27	129	40	104	32	114	48	11	48	9	20	35	27	38	47	11	84	64	58	
58	10	41	13	32	16	46	11	46	9	20	35	27	38	47	11	84	64	58	58	
84	29	59	40	48	46	55	47	43	55	47	43	55	47	43	55	47	43	55	47	
4,000	1,097	3,903	1,180	3,200	1,623	3,580	1,877	3,467	1,715	3,696	2,785	3,515	4,108	1,954	3,770	1,850	2,783	2,403	2,403	
Totals																				

# VOLUME

## QUESTIONS

### HILLSBOROUGH COUNTY

	Yes	No	Yes	No
Amherst	73	9	67	13
Andover	166	19	147	20
Bedford	71	11	60	11
Bennington	46	24	32	14
Brookline	41	2	39	3
Deering	45	14	31	14
Frankstown	7	10	30	13
Grafton	201	6	195	6
Greenville	44	19	25	19
Hampden	55	53	49	34
Hillsborough	69	13	36	16
Holderness	205	25	146	24
Hudson	97	5	64	5
Litchfield	128	20	105	22
Lyndeborough	28	2	20	1
Manchester	67	10	49	16
Ward 1	167	107	167	76
Ward 2	461	50	37	100
Ward 3	380	179	339	111
Ward 4	370	127	327	114
Ward 5	194	215	202	191
Ward 6	305	115	208	113
Ward 7	97	23	75	22
Ward 8	309	165	316	111
Ward 9	135	591	611	61
Ward 10	117	119	108	59
Mason	35	4	31	4
Merrimack	103	77	77	7
Milford	252	11	241	8
Mont Vernon	42	7	32	9

Nashua, Ward 1.....	87	183	32
Ward 2.....	22	107	26
Ward 3.....	41	79	47
Ward 4.....	25	61	20
Ward 5.....	17	40	17
Ward 6.....	80	55	99
Ward 7.....	59	186	46
Ward 8.....	69	156	56
Ward 9.....	88	112	79
New Boston.....	49	39	66
New Ipswich.....	16	19	10
Pelham.....	20	43	27
Peterborough.....	80	78	66
Sharon.....	6	5	2
Temple.....	22	9	15
Weare.....	56	65	104
Wilton.....	29	54	62
Windsor.....	2	1	2
Totals.....	2,439	4,299	3,178

# VOTE, Q2

DISTRICT OR NAME	QUESTION 2	
	Yes	No
Alstead	11	7
Chesterfield	8	6
Dublin	56	6
Fitzwilliam	8	68
Grafton	4	7
Harrisville	13	16
Hinsdale	1	2
Indeaville	13	30
Keene, West	9	80
Keene, West	19	152
Warfield	83	71
Warfield	11	119
Warfield	98	83
Marblehead	1	2
Marlow	4	30
Nelson	3	4
Ritchfield	10	9
Rodney	7	4
Stoddard	1	6
Sullivan	23	10
Sutton	6	88
Swanton	18	11
Troy	28	11
Walpole	28	46
Westmoreland	63	3
Winchester	2080	1879
Totals	2080	1879





# VOTE ON

Ques 1 Ques 2 Q

Yes No Yes No Y

## GRAFTON COUNTY

Alexander	2	44	17	87	
Ashcroft	122	11	84	15	
Bath	0	0	4	14	
Benton	14	9	10	14	
Bethlehem	60	7	46	14	
Bridgewater	26	4	9	15	
Bristol	154	27	133	21	
Campton	46	14	36	10	
Canaan	160	16	149	20	
Dorchester	28	2	27	4	
Fulton	9	16	4	8	
Eastford	8	2	6	3	
Eastford	169	3	164	11	
Framingham	50	3	47	9	
Grafton	22	18	42	20	
Grafton	30	2	29	1	
Hampden	14	16	117	15	
Haverhill	123	37	98	84	
Hebron	24	11	19	11	
Holbrook	78	26	66	25	
Landaff	4	0	28	16	
Lebanon	24	39	246	26	
Lisbon	11	0	11	3	
Lisbon	162	16	145	19	
Littleton	224	4	219	14	
Livermore					
Lynn	72	13	25	11	
Lynn	48	0	46	0	
Monroe	12	0	11	0	

Orange.....	16	5	15	5	13	6	13	7	10	9
Orford.....	65	15	50	21	27	29	41	21	41	20
Piermont.....	63	23	40	40	21	47	38	36	36	28
Plymouth.....	289	49	123	63	65	100	122	91	104	104
Shumway.....	85	6	82	4	47	39	75	20	21	21
Thorton.....	42	28	19	64	13	82	21	53	53	47
Warren.....	82	9	38	20	25	25	53	13	13	27
Waterville.....	6	2	7	1	6	1	6	1	1	1
Wentworth.....	82	20	39	22	30	23	59	26	26	26
Woodstock.....	43	7	41	8	35	11	40	11	11	17
Totals.....	3,119	487	3,446	758	1,943	1,025	3,313	1,014	2,263	1,463

10310

COOK COUNTY.	Ques. 1. Ques. 2.		
	Yes.	No.	Yes. No.
Berlin, Ward 1	14	17	9
Ward 2	104	113	932
Ward 3	66	39	7
Carroll	30	13	12
Clarksville	31	10	13
Colebrook	38	11	10
Columbia	34	12	20
Danion	44	4	28
Darton	33	10	33
Dunmer	3	4	14
Errol	3	1	3
Gebrun	101	1	71
Jeffers	91	4	71
Kanaster	221	8	188
Milan	7	1	68
N. Columbus	189	35	86
Palisburg	49	1	37
Radiolph	23	1	13
Shelburne	30	3	15
Stark	44	3	3
Stewartstown	71	31	43
Stratford	45	7	57
Wentworth	33	6	8
Whitfield	137	1	51
Totals.	1,750	177	1,410

## SUMMARY.

COUNTIES.	Ques. 1		Ques. 2		Ques. 3		Ques. 4		Ques. 5		Ques. 6		Ques. 7		Ques. 8		Ques. 9		Ques. 10	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
	2,082														969	2,097	1,596	1,771	1,429	
	1,441										172				99	797	1,640	1,473	1,519	1,365
	826										91				296	1,209	1,597	1,888	601	
	827										91				413	823	866	714	774	
	3,795										98				1,254	3,710	1,865	2,733	2,493	
	3,683										201				2,720	4,652	3,430	4,390	3,173	
	875										45				469	1,655	1,591	1,190	784	
	333										209				477	1,103	899	981	701	
	1,413										499				825	2,094	1,499	1,670	1,462	
	867										117				377	1,383	1,604	1,801	1,774	
	15,737										739				8,659	20,395	13,069	16,747	13,301	

I further proclaim to the people of this state that the Constitution of the state is not amended, as provided for in the third, fifth, sixth, seventh, ninth, and tenth previous Congresses, as submitted by said Convention to the qualified voters of the state at meetings held at Topeka, Kansas, city wards, and places in this state on the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, and fortieth days of March, 1903, and that the amendments proposed to the Constitution, for the amendments in the Constitution covered by the same were adopted by the suffrages of two thirds of the qualified voters present at said meetings and voting upon said questions.

SATURDAY, MARCH TWENTY-SEVENTH, 1903, at the city of Topeka, Kansas, this twenty-seventh day of March, A. D. 1903, and of the Independence of the United States of America, the one hundred and twenty-seventh

NAHUM J. BACHELDER

By the Governor,

EDWARD N. PARSON, Secretary of State

# CONSTITUTION

## OF THE

### STATE OF NEW HAMPSHIRE.

---

#### PART FIRST.—BILL OF RIGHTS.

##### Article

1. Equality of men; origin and object of government.
2. Natural rights.
3. Society; its organization and purposes.
4. Rights of conscience unalienable.
5. Religious freedom recognized.
6. Public worship of the Deity to be encouraged; right of electing religious teachers; free toleration; existing contracts not affected.
7. State sovereignty.
8. Accountability of magistrates and officers to the people.
9. No hereditary office or place.
10. Right of revolution.
11. Elections and elective franchise.
12. Protection and taxation reciprocal; private property for public use.
13. Conscientiously scrupulous not compellable to bear arms.
14. Legal remedies to be free, complete, and prompt.
15. Accused entitled to full and substantial statement of charge; not obliged to furnish evidence against himself; may produce proofs and be fully heard, etc.
16. No person to be again tried after an acquittal; trial by jury in capital cases.
17. Criminal trials in county, except in general insurrection.
18. Penalties to be proportional to offenses; true design of punishment.
19. Searches and seizures regulated.
20. Trial by jury in civil cases; exceptions.
21. Only qualified persons to serve as jurors, and to be fully compensated.
22. Liberty of the press.
23. Retrospective laws prohibited.
24. Militia.

##### Article

25. Standing armies.
26. Military subject to civil power.
27. Quartering of soldiers.
28. Taxes to be levied only by the people or legislature.
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PART FIRST.

BILL OF RIGHTS.

Article 1. All men are born equally free and independent; therefore all government of right originates from the people, is founded in consent, and instituted for the general good.

Art. 2. All men have certain natural, essential, and inherent rights; among which are the enjoying and defending life and liberty; acquiring, possessing, and protecting property; and, in a word, of seeking and obtaining happiness.

Art. 3. When men enter into a state of society they surrender up some of their natural rights to that society in order to insure the protection of others; and without such an equivalent the surrender is void.

Art. 4. Among the natural rights, some are in their very nature unalienable, because no equivalent can be given or



the legislature to authorize, from time to time, the several towns, parishes, bodies corporate, or religious societies within this state to make adequate provision, at their own expense, for the support and maintenance of public Protestant teachers of piety, religion, and morality. *Provided, notwithstanding,* that the several towns, parishes, bodies corporate, or religious societies shall at all times have the exclusive right of electing their own public teachers, and of contracting with them for their support and maintenance. And no person of any one particular religious sect or denomination shall ever be compelled to pay toward the support of the teacher or teachers of another persuasion, sect, or denomination. And every denomination of Christians, demeaning themselves quietly and as good subjects of the state, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law. And nothing herein shall be under-

stood to affect any former contracts made for the support of the ministry; but all such contracts shall remain and be in the same state as if this constitution had not been made.

Art. 7. The people of this state have the sole and exclusive right of governing themselves as a free, sovereign, and independent state, and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right pertaining thereto which is not or may not hereafter be by them expressly delegated to the United States of America in congress assembled.

Art. 8. All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them.

Art. 9. No office or place whatsoever in government shall be hereditary, the abilities and integrity requisite in all not being transmissible to posterity or relations.

Art. 10. Government being instituted for the common benefit, protection, and security of the whole community, and not for the private interest or emolument of any one man, family, or class of men, therefore, whenever the ends of government are perverted and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to, reform the old or establish a new government. The doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.

Art. 11. All elections ought to be free; and every inhabitant of the state, having the proper qualifications, has equal right to elect and be elected into office; but no person shall have the right to vote, or be eligible to office under the constitution of this state, who shall not be able to read the constitution in the English language, and to write, *provided*, however, that this provision shall not apply to any person

**may receive in his person, property, or character; to obtain right and justice freely, without being obliged to purchase it; completely and without any denial; promptly, and without any delay; conformably to the laws**

Art. 15. No subject shall be held to answer for any crime or offense until the same is fully and plainly, substantially and formally, described to him, or be compelled to accuse or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to himself, to meet the witnesses against him face to face, and to be fully heard in his defense by himself and counsel. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of life, liberty, or estate, but by the judgment of his peers or the laws of the land.

Art. 16. No subject shall be liable to be tried, after an acquittal, for the same crime or offense; nor shall the legislature make any law that shall subject any person to a capital punishment (excepting for the government of the army and navy, and the militia in actual service) without trial by jury.

Art. 17. In criminal prosecutions, the trial of facts in the vicinity where they happen is so essential to the security of the life, liberty, and estate of the citizen, that no crime or offense ought to be tried in any other county than that in which it is committed, except in cases of general insurrection in any particular county, when it shall appear to the judges of the superior court that an impartial trial cannot be had in the county where the offense may be committed, and, upon their report, the legislature shall think proper to direct the trial in the nearest county in which an impartial trial can be obtained.

Art. 18. All penalties ought to be proportioned to the nature of the offense. No wise legislature will affix the same punishment to the crimes of theft, forgery, and the like, which they do to those of murder and treason. Where the same undistinguishing severity is exerted against all offenses, the people are led to forget the real distinction in the crimes themselves and to commit the most flagrant with as little compunction as they do the lightest offenses. For the same reason, a multitude of sanguinary laws is both impolitic and unjust, the true design of all punishment being to reform, not to exterminate, mankind.

Art. 19. Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. Therefore, all warrants to search suspected places or arrest a person for examination or trial, in prosecutions for criminal matters, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order, in a warrant to a civil officer, to make search in suspected places

**Art. 22.** The *liberty of the press* is essential to the security of freedom in a state; it ought, therefore, to be inviolably preserved.

**Art. 23.** Retrospective laws are highly injurious, oppressive, and unjust. No such laws, therefore, should be made, either for the decision of civil causes or the punishment of offenses.

**Art. 24.** A well-regulated militia is the proper, natural, and sure defense of a state.

**Art. 25.** Standing armies are dangerous to liberty, and ought not to be raised or kept up without the consent of the legislature.

**Art. 26.** In all cases and at all times, the military ought to be under strict subordination to, and governed by, the civil power.

Art. 27. No soldier, in time of peace, shall be quartered in any house without the consent of the owner; and, in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

Art. 28. No subsidy, charge, tax, impost, or duty shall be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature, or authority derived from that body.

Art. 29. The power of suspending the laws or the execution of them ought never to be exercised but by the legislature, or by authority derived therefrom, to be exercised in such particular cases only as the legislature shall expressly provide for.

Art. 30. The freedom of deliberation, speech, and debate in either house of the legislature is so essential to the rights of the people, that it cannot be the foundation of any action, complaint, or prosecution in any other court or place whatsoever.

Art. 31. The legislature shall assemble for the redress of public grievances and for making such laws as the public good may require.

Art. 32. The people have a right, in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.

Art. 33. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

Art. 34. No person can, in any case, be subjected to law martial or to any pains or penalties by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

**judicial—ought to be kept as separate from, and independent of, each other as the nature of a free government will admit or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity.**

Art. 38. A frequent recurrence to the fundamental principles of the constitution and a constant adherence to justice, moderation, temperance, industry, frugality and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government. The people ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives, and they have a right to require of their lawgivers and magistrates an exact and constant observance of them in the formation and execution of the laws necessary for the good administration of government.

## PART SECOND.

## FORM OF GOVERNMENT.

Article 1. The people inhabiting the territory formerly called The Province of New Hampshire do hereby solemnly and mutually agree with each other to form themselves into a free, sovereign, and independent body politic, or state, by the name of **THE STATE OF NEW HAMPSHIRE**.

## GENERAL COURT.

Art. 2. The supreme legislative power within this state shall be vested in the senate and house of representatives, each of which shall have a negative on the other.

Art. 3. The senate and house shall assemble biennially, on the first Wednesday of January, and at such other times as they may judge necessary, and shall dissolve and be dissolved seven days next preceding the said first Wednesday of January biennially, and shall be styled **THE GENERAL COURT OF NEW HAMPSHIRE**.

Art. 4. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record or other courts, to be holden in the name of the state, for the hearing, trying, and determining all manner of crimes, offenses, pleas, processes, complaints, actions, causes, matters and things whatsoever, arising or happening within this state, or between or concerning persons inhabiting, or residing, or brought within the same, whether the same be criminal or civil, or whether the crimes be capital or not capital, and whether the said pleas be real, personal, or mixed, and for the awarding and issuing execution thereon, to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations for the better discovery of truth in any matter in controversy or depending before them.



able assessments, rates, and taxes upon all the inhabitants of, and residents within, the said state, and upon all estates within the same, to be issued and disposed of by warrant, under the hand of the governor of this state for the time being, with the advice and consent of the council, for the public service, in the necessary defense and support of the government of this state and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same. *Provided*, that the general court shall not authorize any town to loan or give its money or credit, directly or indirectly, for the benefit of any corporation having for its object a dividend of profits, or in any way aid the same by taking its stock or bonds.

Art. 6. The public charges of government or any part thereof may be raised by taxation upon polls, estates, and

other classes of property, including franchises and property when passing by will or inheritance; and there shall be a valuation of the estates within the state taken anew once in every five years, at least, and as much oftener as the general court shall order.

Art. 7. No member of the general court shall take fees, be of counsel, or act as advocate in any cause before either branch of the legislature; and upon due proof thereof, such member shall forfeit his seat in the legislature.

Art. 8. The doors of the galleries of each house of the legislature shall be kept open to all persons who behave decently, except when the welfare of the state, in the opinion of either branch, shall require secrecy.

#### HOUSE OF REPRESENTATIVES.

Art. 9. There shall be, in the legislature of the state, a representation of the people, biennially elected, and founded upon the principles of equality; and, in order that such representation may be as equal as circumstances will admit, every town, or place entitled to town privileges, and wards of cities having six hundred inhabitants by the last general census of the state, taken by authority of the United States or of this state, may elect one representative; if eighteen hundred such inhabitants, may elect two representatives; and so proceeding in that proportion, making twelve hundred such inhabitants the mean increasing number for any additional representative. *Provided*, that no town shall be divided or the boundaries of the wards of any city so altered as to increase the number of representatives to which such town or city may be entitled by the next preceding census; and *provided further*, that to those towns and cities which since the last census have been divided or had their boundaries or ward lines changed, the general court, in session next before these amendments shall take effect, shall equitably apportion representation in such manner that the number shall not be greater than it would have been had no such division or alteration been made.

**shall cease to represent such town, parish, or place immediately on his ceasing to be qualified as aforesaid**

Art. 14 The presiding officers of both houses of the legislature shall severally receive out of the state treasury as compensation in full for their services, for the term elected, the sum of two hundred and fifty dollars, and all other members thereof seasonably attending and not departing without license, the sum of two hundred dollars, exclusive of mileage; *provided, however*, that when a special session shall be called by the governor, such officers and members shall receive for attendance an additional compensation of three dollars per day for a period not exceeding fifteen days, and the usual mileage.

Art. 15 All intermediate vacancies in the house of representatives may be filled up from time to time in the same manner as biennial elections are made.

Art. 16. The house of representatives shall be the grand inquest of the state, and all impeachments made by them shall be heard and tried by the senate.

Art. 17. All money bills shall originate in the house of representatives, but the senate may propose or concur with amendments, as on other bills.

Art. 18. The house of representatives shall have power to adjourn themselves, but no longer than two days at a time.

Art. 19. A majority of the members of the house of representatives shall be a quorum for doing business, but, when less than two thirds of the representatives elected shall be present, the assent of two thirds of those members shall be necessary to render their acts and proceedings valid.

Art. 20. No member of the house of representatives or senate shall be arrested or held to bail on mesne process during his going to, returning from, or attendance upon, the court.

Art. 21. The house of representatives shall choose their own speaker, appoint their own officers, and settle the rules of proceedings in their own house, and shall be judge of the returns, elections, and qualifications of its members, as pointed out in this Constitution. They shall have authority to punish by imprisonment every person who shall be guilty of disrespect to the house, in its presence, by any disorderly and contemptuous behavior, or by threatening or ill-treating any of its members, or by obstructing its deliberations; every person guilty of a breach of its privileges in making arrests for debt, or by assaulting any member during his attendance at any session; in assaulting or disturbing any one of its officers in the execution of any order or procedure of the house; in assaulting any witness or other person ordered to attend by, and during his attendance of, the house, or in rescuing any person arrested by order of the house, knowing them to be such.

the state into twenty-four districts, as nearly equal as may be without dividing towns and unincorporated places; and, in making this division, they shall govern themselves by the proportion of direct taxes paid by the said districts, and timely make known to the inhabitants of the state the limits of each district.

Art. 26. The freeholders and other inhabitants of each district, qualified as in this constitution is provided, shall, biennially, give in their votes for a senator at some meeting holden in the month of November.

Art. 27. The senate shall be the first branch of the legislature, and the senators shall be chosen in the following manner, viz.: every male inhabitant of each town, and parish with town privileges, and places unincorporated, in this state, of twenty-one years of age and upward, excepting paupers and persons excused from paying taxes at their own request,

shall have a right, at the biennial or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden biennially, forever, in the month of November, to vote, in the town or parish wherein he dwells, for the senator in the district whereof he is a member.

Art. 28. *Provided, nevertheless,* that no person shall be capable of being elected a senator who is not of the age of thirty years, and who shall not have been an inhabitant of this state for seven years immediately preceding his election; and, at the time thereof, he shall be an inhabitant of the district for which he shall be chosen.

Art. 29. And every person qualified as the constitution provides shall be considered an inhabitant, for the purpose of electing and being elected into any office or place within this state, in the town, parish, and plantation where he dwelleth and hath his home.

Art. 30. And the inhabitants of plantations and places unincorporated, qualified as this constitution provides, who are or shall be required to assess taxes upon themselves towards the support of government, or shall be taxed therefor, shall have the same privilege of voting for senators, in the plantations, and places wherein they reside as the inhabitants of the respective towns and parishes aforesaid have. And the meetings of such plantations and places, for that purpose, shall be holden biennially in the month of November, at such places respectively therein as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns by this Constitution.

Art. 31. The meetings for the choice of governor, council, and senators, shall be warned by warrant from the selectmen, and governed by a moderator, who shall, in the presence of the selectmen (whose duty it shall be to attend), in open meeting, receive the votes of all the inhabitants of such towns

**and a majority of the council for the time being shall, as soon as may be, examine the returned copies of such records, and, fourteen days before the first Wednesday of January, he shall issue his summons to such persons as appear to be chosen senators by a majority of votes to attend and take their seats on that day: *provided, nevertheless, that, for the first year, the said returned copies shall be examined by the president and a majority of the council then in office; and the said president shall, in like manner, notify the persons elected to attend and take their seats accordingly***

Art. 33 And in case there shall not appear to be senator elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz: the members of the house of representatives and such senators as shall be declared elected shall take the names of the two persons having the highest number of votes in the dis-

trict, and out of them shall elect, by joint ballot, the senator wanted for such district; and, in this manner, all such vacancies shall be filled up in every district of the state; all vacancies in the senate arising by death, removal out of the state, or otherwise, except from failure to elect, shall be filled by a new election by the people of the district, upon the requisition of the governor, as soon as may be after such vacancies shall happen.

Art. 34. The senate shall be final judges of the elections, returns, and qualifications of their own members, as pointed out in this Constitution.

Art. 35. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time: *provided, nevertheless*, that, whenever they shall sit on the trial of any impeachment, they may adjourn to such time and place as they may think proper, although the legislature be not assembled on such day or at such place.

Art. 36. The senate shall appoint their president and other officers, and determine their own rules of proceedings. And not less than thirteen members of the senate shall make a quorum for doing business; and, when less than sixteen senators shall be present, the assent of ten, at least, shall be necessary to render their acts and proceedings valid.

Art. 37. The senate shall be a court, with full power and authority to hear, try, and determine all impeachments made by the house of representatives against any officer or officers of the state, for bribery, corruption, malpractice, or maladministration in office, with full power to issue summons or compulsory process for convening witnesses before them; but, previous to the trial of any such impeachment, the members of the senate shall respectively be sworn truly and impartially to try and determine the charge in question according to evidence. And every officer impeached for bribery, corruption, malpractice, or maladministration in office, shall be served with an attested copy of the impeachment



**the laws of the land.**

Art. 39. Whenever the governor shall be impeached, the chief justice of the supreme judicial court shall, during the trial, preside in the senate, but have no vote therein.

#### EXECUTIVE POWER —GOVERNOR

Art. 40. There shall be a supreme executive magistrate, who shall be styled Governor of the State of New Hampshire, and whose title shall be *His Excellency*.

Art. 41. The governor shall be chosen biennially, in the month of November, and the votes for governor shall be received, sorted, counted, certified, and returned in the same manner as the votes for senators; and the secretary shall lay the same before the senate and house of representatives on the first Wednesday of January, to be by them examined;

and, in case of an election by a majority of votes through the state, the choice shall be by them declared and published; and the qualifications of electors of the governor shall be the same as those for senators; and, if no person shall have a majority of votes, the senate and house of representatives shall, by a joint ballot, elect one of the two persons having the highest number of votes, who shall be declared governor. And no person shall be eligible to this office unless, at the time of his election, he shall have been an inhabitant of this state for seven years next preceding, and unless he shall be of the age of thirty years.

Art. 42. In case of disagreement between the two houses with regard to the time or place of adjournment or prorogation, the governor, with advice of council, shall have the right to adjourn or prorogue the general court, not exceeding ninety days at any one time, as he may determine the public good may require; and he shall dissolve the same seven days before the said first Wednesday of January. And, in case of any infectious distemper prevailing in the place where the said court at any time is to convene, or any other cause whereby dangers may arise to the health or lives of the members from their attendance, the governor may direct the session to be holden at some other, the most convenient, place within the state.

Art. 43. Every bill which shall have passed both houses of the general court shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with such objections, to the other house, by which it shall likewise be reconsidered; and, if approved by two thirds of that house, it shall become a law. But, in all such cases, the votes of both houses shall be determined by yeas and nays; and the

**Art. 46. The governor and council shall have a negative** on each other, both in the nominations and appointments. Every nomination and appointment shall be signed by the governor and council, and every negative shall be also signed by the governor or council who made the same.

Art. 47. The captains and subalterns in the respective regiments shall be nominated and recommended by the field officers to the governor, who is to issue their commissions immediately on receipt of such recommendation, *provided*, that no person shall be so nominated and recommended until he shall have been examined and found duly qualified by an examining board appointed by the governor.

Art. 48. Whenever the chair of the governor shall become vacant, by reason of his death, absence from the state, or otherwise, the president of the senate shall, during such

vacancy, have and exercise all powers and authorities, which by this Constitution, the governor is vested with when personally present; but when the president of the senate shall exercise the office of governor, he shall not hold his office in the senate. Whenever the chair, both of the governor and of the president of the senate, shall become vacant, by reason of their death, absence from the state, or otherwise, the speaker of the house shall, during such vacancies, have and exercise all the powers and authorities which, by this constitution, the governor is vested with when personally present; but when the speaker of the house shall exercise the office of governor, he shall not hold his office in the house.

Art. 49. The governor, with advice of council, shall have full power and authority, in recess of the general court, to prorogue the same from time to time, not exceeding ninety days in any one recess of said court, and, during the sessions of said court to adjourn or prorogue it to any time the two houses may desire; and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the state should require the same.

Art. 50. The governor of this state, for the time being, shall be commander-in-chief of the army and navy and all the military forces of the state by sea and land; and shall have full power, by himself or by any chief commander or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and, for the special defense and safety of this state, to assemble in martial array and put in warlike posture the inhabitants thereof, and to lead and conduct them, and with them to encounter, repulse, repel, resist, and pursue by force of arms, as well by sea as by land, within and without the limits of this state; and also to kill, slay, destroy, if necessary, and conquer by all fitting ways, enterprise, and means, all and every such person and persons as shall at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this state; and to use and exercise over the

**Art. 51.** The power of pardoning offenses, except such as persons may be convicted of before the senate, by impeachment of the house, shall be in the governor, by and with the advice of the council; but no charter of pardon, granted by the governor, with advice of council before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offense or offenses intended to be pardoned

**Art. 52.** No officer, duly commissioned to command in the militia, shall be removed from his office but by the address of both houses to the governor, or by fair trial in court-martial pursuant to the laws of the state for the time being.

**Art. 53.** The commanding officers of the regiments shall appoint their adjutants and quartermasters; the brigadiers, their brigade-majors; the major-generals, their aides; the captains and subalterns, their non-commissioned officers,

Art. 54. The division of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper division of the militia of this state, until the same shall be altered by some future law.

Art. 55. No money shall be issued out of the treasury of this state and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, by and with the advice and consent of the council, for the necessary support and defense of this state, and for the necessary protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

Art. 56. All public boards, the commissary-general, all superintending officers of public magazines and stores belonging to this state, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially and without requisition, and at other times when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and all small arms with their accoutrements, and all other public property under their care respectively, distinguishing the quantity and kind of each as particularly as may be, together with the condition of such forts and garrisons. And the commanding officer shall exhibit to the governor, when required by him true and exact plans of such forts, and of the land and sea, or harbor or harbors adjacent.

Art. 57. The governor and council shall be compensated for their services, from time to time, by such grants as the general court shall think reasonable.

Art. 58. Permanent and honorable salaries shall be established by law for the justices of the superior court.

be the same as for senator.

Art. 61 If any person thus chosen a councilor shall be elected governor or member of either branch of the legislature, and shall accept the trust, or if any person elected a councilor shall refuse to accept the office, or in case of the death, resignation, or removal of any councilor out of the state, the governor may issue a precept for the election of a new councilor in that county where such vacancy shall happen; and the choice shall be in the same manner as before directed; and the governor shall have full power and authority to convene the council, from time to time, at his discretion, and, with them or the majority of them, may and shall, from time to time, hold a council for ordering and directing the affairs of this state, according to the laws of the land

Art. 62. The members of the council may be impeached by the house and tried by the senate for bribery, corruption, malpractice, or maladministration.

Art. 63. The resolutions and advice of the council shall be recorded by the secretary in a register, and signed by all the members present agreeing thereto; and this record may be called for at any time by either house of the legislature; and any member of the council may enter his opinion contrary to the resolution of the majority, with the reasons for such opinion.

Art. 64. The legislature may, if the public good shall hereafter require it, divide the state into five districts, as nearly equal as may be, governing themselves by the number of ratable polls and proportion of public taxes, each district to elect a councilor; and, in case of such division, the manner of the choice shall be conformable to the present mode of election in counties.

Art. 65. And, whereas the elections appointed to be made by this Constitution on the first Wednesday of January biennially, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same be completed. And the order of the elections shall be as follows: The vacancies in the senate, if any, shall be first filled up; the governor shall then be elected, provided there shall be no choice of him by the people; and afterwards, the two houses shall proceed to fill up the vacancy, if any, in the council.

**SECRETARY, TREASURER, COMMISSARY-GENERAL, ETC.**

Art. 66. The secretary, treasurer, and commissary-general shall be chosen by joint ballot of the senators and representatives, assembled in one room.

Art. 67. The records of the state shall be kept in the office of the secretary; and he shall attend the governor



as to deprive the people of the right they now have of electing them

Art. 71. And the legislature, on the application of the major part of the inhabitants of any county, shall have authority to divide the same into two districts for registering deeds, if to them it shall appear necessary, each district to elect a register of deeds, and before they enter upon the business of their offices, shall be respectively sworn faithfully to discharge the duties thereof, and shall severally give bond, with sufficient sureties, in a reasonable sum, for the use of the county, for the punctual performance of their respective trusts

#### JUDICIARY POWER

Art. 72 The tenure that all commissioned officers shall have by law in their offices shall be expressed in their re-

spective commissions. All judicial officers, duly appointed, commissioned, and sworn shall hold their offices during good behavior, excepting those concerning whom there is a different provision made in this constitution; *provided, nevertheless*, the governor, with consent of council, may remove them upon the address of both houses of the legislature.

Art. 73. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the superior court upon important questions of law and upon solemn occasions.

Art. 74. In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail in discharging the important duties of his office with ability and fidelity, all commissions of justices of the peace shall become void at the expiration of five years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the state.

Art. 75. All causes of marriage, divorce, and alimony, and all appeals from the respective judges of probate, shall be heard and tried by the superior court until the legislature shall by law make other provision.

Art. 76. The general court are empowered to give to justices of the peace jurisdiction in civil causes, when the damages demanded shall not exceed one hundred dollars, and title of real estate is not concerned, but with right of appeal to either party to some other court.

Art. 77. No person shall hold the office of judge of any court, or judge of probate, or sheriff of any county, after he has attained the age of seventy years.

Art. 78. No judge of any court or justice of the peace shall act as attorney, or be of counsel to any party, or

ney or be of counsel in any cause in the court of which he is a clerk, nor shall he draw any writ originating a civil action

#### ENCOURAGEMENT OF LITERATURE, ETC

Art. 82 Knowledge and learning generally diffused through a community being essential to the preservation of a free government, and spreading the opportunities and advantages of education through the various parts of the country being highly conducive to promote this end, it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools; to encourage private and public institutions, rewards, and munificence for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the

principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections and generous sentiments, among the people; *provided, nevertheless*, that no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination. Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization, and provision should be made for the supervision and government thereof:—Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.

OATHS AND SUBSCRIPTIONS.—EXCLUSION FROM OFFICES.—COMMISSIONS.—WRITS.—CONFIRMATION OF LAWS.—HABEAS CORPUS.—THE ENACTING STYLE.—CONTINUANCE OF OFFICERS.—PROVISION FOR A FUTURE REVISION OF THE CONSTITUTION.—ETC.

Art. 83. Any person chosen governor, councilor, senator, or representative, military or civil officer (town officers excepted), accepting the trust, shall, before he pro-

*the pains and penallies of perjury."*

Art. 84. And the oaths or affirmations shall be taken and subscribed by the governor, before the president of the senate, in the presence of both houses of the legislature; and by the senators and representatives first elected under this constitution, as altered and amended, before the president of the state and a majority of the council then in office, and forever afterward before the governor and council for the time being, and by all other officers, before such persons and in such manner as the legislature shall from time to time appoint.

Art. 85. All commissions shall be in the name of the state of New Hampshire, signed by the governor, and attested by the secretary or his deputy, and shall have the great seal of the state affixed thereto.

Art. 86. All writs issuing out of the clerk's office in any of the courts of law, shall be in the name of the state of New Hampshire, shall be under the seal of the court whence they issue, and bear teste of the chief, first or senior justice of the court; but when such justice shall be interested, then the writ shall bear teste of some other justice of the court to which the same shall be returnable; and be signed by the clerk of such court.

Art. 87. All indictments, presentments, and informations shall conclude, "*against the peace and dignity of the state.*"

Art. 88. The estate of such persons as may destroy their own lives shall not for that offense be forfeited, but descend or ascend in the same manner as if such persons had died in a natural way. Nor shall any article which shall accidentally occasion the death of any person be henceforth deemed a deodand, or in any wise forfeited on account of such misfortune.

Art. 89. All the laws which have heretofore been adopted, used, and approved in the province, colony, or state of New Hampshire, and usually practised on in the courts of law, shall remain and be in full force until altered and repealed by the legislature, such parts thereof only excepted as are repugnant to the rights and liberties contained in this Constitution; *provided*, that nothing herein contained, when compared with the twenty-third article in the bill of rights, shall be construed to affect the laws already made respecting the persons or estates of absentees.

Art. 90. The privilege and benefit of the *habeas corpus* shall be enjoyed in this state, in the most free, easy, cheap, expeditious, and ample manner, and shall not be suspended by the legislature except upon the most urgent and pressing occasions, and for a time not exceeding three months.

Art. 91. The enacting style in making and passing acts,

court (except special judges), secretary, treasurer of the state, attorney-general, commissary-general, military officers receiving pay from the continent or this state (excepting officers of the militia occasionally called forth on an emergency), register of deeds, sheriffs, or officers of the customs, including naval officers, collectors of excise and state and continental taxes hereafter appointed, and not having settled their accounts with the respective officers with whom it is their duty to settle such accounts, members of congress, or any person holding any office under the United States, shall at the same time hold the office of governor, or have a seat in the senate or house of representatives or council; but his being chosen and appointed to and accepting the same shall operate as a resignation, of his seat in the chair, senate, or house of representatives, or council, and the place so vacated shall be filled up. No

member of the council shall have a seat in the senate or house of representatives.

Art. 95. No person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under this government, who in the due course of law, has been convicted of bribery or corruption in obtaining an election or appointment.

Art. 96. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver at six shillings and eight pence per ounce.

Art. 97. To the end that there may be no failure of justice or danger to the state by the alterations and amendments made in the constitution, the general court is hereby fully authorized and directed to fix the time when the alterations and amendments shall take effect, and make the necessary arrangements accordingly.

Art. 98. It shall be the duty of the selectmen and assessors of the several towns and places in this state, in warning the first annual meetings for the choice of senators, after the expiration of seven years from the adoption of this constitution as amended, to insert expressly in the warrant this purpose among the others for the meeting, to wit: to take the sense of the qualified voters on the subject of a revision of the constitution; and the meeting being warned accordingly, and not otherwise, the moderator shall take the sense of the qualified voters present as to the necessity of a revision; and a return of the number of votes for and against such necessity shall be made by the clerks, sealed up and directed to the general court at their then next session; and if it shall appear to the general court by such return that the sense of the people of the state has been taken, and that in the opinion of a majority of the qualified voters in the state present and voting at said meetings, there is a necessity for a revision of the constitution, it shall be the duty of the general court to





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<b>Emery, Simon P. . . . .</b>	<b>9, 207, 502, 589, 706, 747</b>
<b>Emory, Warren W. . . . .</b>	<b>15, 502, 639, 674, 707, 748</b>
<b>Evans, Alfred R. . . . .</b>	<b>7, 17, 90, 502, 590, 640, 674, 709, 748, 812</b>
<b>Evans, David H. . . . .</b>	<b>8, 9, 23, 141, 385, 491, 502, 589, 640, 811</b>
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<b>Farrington, Henry A. . . . .</b>	<b>13, 332, 492, 502, 589, 639, 640, 674, 708</b>
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